

PEOPLE OF THE PHILIPPINES, APPELLEE, VS. SIXTO PARAGAS Y DELA CRUZ AND AMADO PARAGAS Y ABALOS, APPELLANTS.

G.R. No. 146308. July 18, 2002

Ponente: PANGANIBAN, J.

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PANGANIBAN, J.:

Under the present Rules on Criminal Procedure, qualifying and aggravating circumstances must be alleged or specified in the Information. Otherwise, even if they are proven, they cannot be appreciated in determining the nature of the crime and imposing the penalty.

Statement of the Case

For automatic review by this Court is the September 14, 2000 Decision^[1] of the Regional Trial Court (RTC) of Pasig City, Branch 263, in Criminal Case No. 105201, finding Sixto Paragas y dela Cruz and Amado Paragas y Abalos guilty of murder beyond reasonable doubt and sentencing them to death. The dispositive portion of the Decision reads as follows:

“WHEREFORE, the Court finds both the accused Sixto Paragas and Amado Paragas GUILTY beyond reasonable doubt of the crime of MURDER defined and penalized in Art. 248 of the Revised Penal Code, as amended. Accordingly Sixto Paragas and Amado Paragas are hereby sentenced to suffer the penalty of Death.

“Moreover, they are ordered to indemnify, jointly and severally, the heirs of the victim the following:

- The sum of P50,000.00 for the death of the victim;
- The sum of P100,000.00 as moral damages.

“Costs against the accused.”^[2]

Appellants were charged in the Information^[3] dated March 15, 1994, in these words:

“That on or about the 4th day of March 1994 in the Municipality of Tag[u]ig, Metro Manila, Philippines and within the jurisdiction of this Honorable Court, the above-named accused, conspiring and confederating together and mutually helping and aiding one another, armed with a bladed weapon, with intent to kill and evident premeditation, did then and there wilfully, unlawfully and feloniously attack, assault and stab with said bladed weapon one Ferdinand Gutierrez on the left side of his chest, thereby inflicting upon the latter [a] mortal wound which caused his death.”^[4]

Duly assisted by their counsel,^[5] appellants pleaded not guilty to the charge during their arraignment on April 26, 1994.^[6] After due trial, the court a quo rendered the assailed Decision.

The Facts

Version of the Prosecution

In its Brief,^[7] the Office of the Solicitor General (OSG) presents the prosecution’s version of the facts as

follows:

“Ferdinand Gutierrez, single and residing at PNR Site, Bicutan, Metro Manila, operates a watch repair stall at LMR Tenement Market, Taguig, Metro Manila. Appellant Amado Paragas is a market stall owner at the LMR Tenement Market and serves as board director of the Western Vendor Multi-Purpose Cooperative. His co-appellant, Sixto Paragas, is his cousin/caretaker/salesman. Both appellants reside at the LMR Tenement Market, Taguig, Metro Manila which is five (5) minutes away by car from the place where the criminal incident happened.

“Prior to the subject incident, co-appellant Sixto filed against witness Lilia Serrano’s son, Allan, a complaint for Highway Robbery allegedly committed on January 23, 1994. In relation to this complaint, Ferdinand Gutierrez became a witness for Allan and executed on February 22, 1994 a sworn statement before the Asst. Provincial Prosecutor of Pasig where he attested that Allan was not among those whom Sixto had a fistfight with on January 23, 1994.

“On March 4, 1994, at around 7:30 in the evening, Ferdinand Gutierrez and prosecution witnesses, namely: Robert Venturado, Alejandro Malila, Virgilio Mabbun and Eduardo Peralta, were at the Caltex gasoline station located near the Bliss, FTI Compound, Taguig, Metro Manila. They were waiting for a public transportation. Except for Malila and Mabbun who were co-workers, the rest were strangers to one another. Momentarily, a well-lighted passenger jeepney bound for Tanyag, Taguig, Metro Manila stopped at the gasoline station to pick up passengers. The aforementioned witnesses all boarded the vehicle. Ferdinand Gutierrez and appellants were among the first to board the jeepney. Ferdinand seated himself in the front seat of the vehicle, between the jeepney driver and a lady passenger. On the other hand, co-appellant Sixto, who was wearing short pants, sleeveless shirt and with a towel tied on his forehead sat behind the driver and Ferdinand. Appellant Amado, who was wearing long sleeves sat on the opposite bench, near the rear door of the vehicle.

“The jeepney cruised inside the FTI Compound in Taguig for about ten (10) minutes. As they were passing under a bridge, co-appellant Sixto was seen glancing at Amado as if waiting for a response. When appellant Amado nodded his head, his co-appellant Sixto rose from his seat and grabbed Ferdinand by the neck. With his left arm, co-appellant Sixto stabbed Ferdinand on the left chest with a bladed weapon. Thereafter, co-appellant Sixto immediately alighted from the jeepney and fled towards the direction of the LMR Tenement Market. The other passengers namely: Mabbun, Peralta and Venturado, immediately rose from their seats to chase the assailant but they were prevailed upon by appellant Amado to stay put in their places as he told them that he will be the one to chase co-appellant Sixto. Appellant Amado directed them to assist and bring the victim to the hospital. However, it was observed that appellant Amado simply walked away and did not run after Sixto.

“The jeepney driver, together with Mabbun, Peralta, Malila and Venturado, brought Ferdinand to the Parañaque Medical Center Hospital where he died upon arrival. In his autopsy report, Dr. Antonio Vertido, NBI Medico-Legal Officer stated that the victim died of cardiac tamponade secondary to stab wound in the chest. That same night of March 4, 1994, Malila executed a sworn statement about the incident.”[8] (Citations omitted)

Version of the Defense

Resorting to the defense of denial, appellants narrate in their Brief[9] their version of the facts as follows:

“Accused AMADO PARAGAS expressed absolute disavowal of the crime charged. On May 11, 1994, at around 6:00 o’clock in the morning, he started his routinary chore of vending fruits and vegetables in his stall at the LMR Market, Taguig, Metro Manila, together with his cousin and helper, Sixto Paragas. At around 12:00 noon of the same date, some policemen, led by a certain Graciano Cangco, invited them for a ‘salu-salu’ at Block 1. After eating their lunch, the policemen suddenly put handcuffs on their wrists and hit his stomach. Sixto Paragas was likewise hit and kicked by the policeman. The two of them were then brought by the policemen at a police mini-station in Taguig and locked them inside a cell, without showing them any

warrant for their arrest nor informing them of its cause. It was only during the night of March 11, 1994 when the jail warden informed them that they were suspects in a stabbing incident that occurred on March 4, 1994. He flatly denied this accusation.

“On March 4, 1994, he started his day by vending fruits and vegetables at his stall. At around 4:00 o’clock in the afternoon, he proceeded to a meeting called by his cooperative, the Western Bicutan Multi-Purpose Cooperative, held at the East Service Road, Western Bicutan. The meeting lasted between 4:00 o’clock in the afternoon until 7:30 in the evening and was attended by at least twenty (20) members of the organization, though only about eighteen (18), including himself, had signed the attendance sheet and the minutes of the meeting. Accused Amado Paragas surmised that they were being implicated in the stabbing incident for the reason that the victim, Ferdinand Gutierrez, was a witness for the accused in a criminal case instituted by his cousin and co-accused, Sixto Paragas, against a certain Alan Serrano.

“The testimony of accused Amado Paragas as to his whereabouts relative to the time between 4:00 o’clock PM to 7:45 in the evening of March 4, 1994 was corroborated by witness NENITA TUMOL. The said witness is the secretary of the Western Bicutan Vendors Multi Purpose Cooperative where the accused, Amado Paragas, is a Board of Director. On March 4, 1994, Amado Paragas arrived for the meeting of the cooperative at around 4:35 PM. As secretary, she required those present at the said meeting, including Amado Paragas, to sign the attendance sheet. The witness likewise reiterated that Amado Paragas actively participated on the issues being deliberated during the meeting.

“The testimonies of the first two witnesses for the defense, relative to the presence of accused Amado Paragas at the meeting of the cooperative, between 4:00 PM to 7:45 PM of March 4, 1994, was further corroborated by FELINO ILAGAN, the chairman of the Western Vendor Multi Purpose Cooperative. The witness further testified that after the adjournment of the meeting at around 7:45 P.M. of March 4, 1994, he, together with the accused Amado Paragas proceeded to the stall of the latter at the LMR Market to further discuss their agenda. There, he saw Sixto Paragas taking care of the stall of Amado Paragas.

“Accused SIXTO PARAGAS, testifying on his behalf, corroborated the testimony of co-accused Amado Paragas. Accordingly, on March 11, 1994, at around 10:30 in the morning, a certain Lilia Serrano, together with some companions, approached him while he was peddling fruits at a stall inside the Tenement Market, Taguig, Metro Manila. Mrs. Serrano pleaded [with] him to withdraw a case which he had filed against some of her children. When he replied that the case was already filed in court, Mrs. Serrano and her companions threatened that they would implicate him in a case, even if he is innocent. The woman’s companions, who turned out to be policemen, then invited him to the police precinct near the Tenement Market in the guise of celebrating their Lieutenant’s birthday. The policemen, however, prevented him from getting out of the precinct even after he had partook of the food served by the birthday celebrant. A policeman in uniform named Tangco, then came, and frisked and handcuffed him. Queried whether they had a warrant for his arrest, the policemen retorted that he would just be asked questions at the Taguig Municipal Hall, where he was sent inside a cell. At around midnight, he was blindfolded and brought out of the cell. He felt that many people were in the vicinity and that somebody was pointing at him. He then heard somebody says: ‘iyan si Sixto Paragas’. He surmised that the voice sounded like that of Lilia Serrano’s. The people around him then asked him to admit a murder charge against him and he was beaten for about three (3) hours.

“NATIVIDAD LAUREANO, another vendor of the LMR Market, Taguig, Metro Manila, testified that accused Amado Paragas and Sixto Paragas were at their stall from 7:00 AM to 8:00 P.M. of March 4, 1994.”[10] (Citations omitted)

Ruling of the Trial Court

The trial court gave full faith and credence to the testimonies of the four (4) prosecution witnesses, who had been aboard the jeepney where the stabbing incident occurred. It ruled that their testimonies had corroborated each

other on every material point and clearly established the identities of appellants as the culprits.[11]

The RTC rejected appellants' alibi, which had failed to show that it was physically impossible for the two to be at the scene of the crime at the time of the stabbing incident. It also concluded that conspiracy could be inferred from their acts. Finally, it held that the prosecution was able to establish the elements of evident premeditation as a qualifying, and treachery as an aggravating, circumstance.

Hence, this automatic review.[12]

Issues

Appellants assign three alleged errors for our consideration:

"I

The Court a quo gravely erred in giving undue credence to the alleged positive identification of the accused by the prosecution witnesses as the perpetrators of the crime charged;

"II

The Court a quo gravely erred in finding both the accused guilty of the crime of murder despite the insufficiency of evidence adduced to prove the qualifying circumstances thereto;

"III

The Court a quo committed a reversible error in not imposing the proper penalty for the crime allegedly proven."[13]

In sum, the issues boil down to two: (1) sufficiency of the prosecution evidence and (2) proper penalty for the crime proven.

The Court's Ruling

The appeal is partly meritorious; appellants are guilty of homicide only, not murder.

First Issue:

Sufficiency of Prosecution Evidence

Appellants contend that the RTC erred in giving credence to the identification made by the prosecution witnesses. They argue that since the witnesses had only a fleeting observation of the stabbing incident, the latter could not have positively identified the perpetrators.[14] We are not convinced.

Well-settled is the rule that the assessment by the trial court of the credibility of witnesses is accorded great respect.[15] This is because of its unique opportunity to observe them firsthand and to note their demeanor, conduct and attitude.[16] It is aided by various indicia that are not readily apparent from the records: "the candid answer, the hesitant pause, the nervous voice, the undertone, the befuddled look, the honest gaze, the modest blush, or the guilty blanch" reveal if they are telling the gospel truth or just spinning a web of lies.[17] Hence, its findings on such matters are binding and conclusive on appellate courts, unless some facts or circumstances of weight and substance have been overlooked, misapprehended or misinterpreted.[18]

In the present case, the RTC found the testimonies of the four passenger-witnesses to be credible, coherent and straightforward accounts of what had transpired inside the passenger jeepney on the night of March 4, 1994.[19] Prosecution Witness Roberto Venturado narrated the circumstances surrounding the stabbing incident as follows:

Q Mr. Venturado, do you remember where you were at around 7:30 in the evening of March 4, 1994?

A I was at the Caltex on my way home to Bicutan, sir.

x x x x x x x x

Q You said you were on your way to your home, why were you there?

A I was on my way home and the jeepney passed by.

Q When the jeepney passed, what did you do?

A We rode the jeepney, sir.

Q So that was the jeep that you took on your way home to Bicutan?

A Yes, sir.

Q While you were on the jeep, do you remember of anything unusual that happened inside?

A Yes, sir, there is.

Q What was it?

A When the jeepney went around the FTI and when it passed under the bridge, when I was getting my fare from my pocket.

Q While you were getting that fare, what happened?

A When I was getting my fare from my pocket, this suspect looked at the back at the side and he nodded his head, 'tumango.'

Q After this man who nodded his head or 'tumango' what happened[?]

Atty. Ilagan

That's leading, your Honor.

COURT

Witness may answer.

A When the other suspect was 'tumango' to the other suspect, the other suspect suddenly put his arm around the victim's neck.

x x x x x x x x

Q After putting his arm or placed his arm around the neck of the victim, what else happened, if any?

A After putting his arms on the victim, he drew out a bladed weapon and then stabbed the victim.

Q Where was the victim seated inside that jeepney?

A Beside the driver, sir.

Q How far was Sixto Paragas from the victim?

A Sixto was sitting at the back of the driver.

Q How many times if you know did Sixto Paragas stab the victim?

A That is the one I do not know, sir.

Q After he stabbed the victim, what happened?

A After stabbing the victim, we were about to run after the suspect and we were about to go down and run after the suspect but Amado Paragas stopped us and told us that he will be the one to run after the suspect.

Q So, you mean to say that after stabbing, Sixto Paragas hurried out of the passenger jeep that's why you had to chase him?

Atty. Ilagan

It's leading your Honor.

Q Okay, you said you were to chase Sixto Paragas, where was he when you started to go down and chase and attempted to chase him?

A He was a little bit far from the jeepney already when we were about to run after him, sir, when we were stopped by Amado Paragas and said that "wag na raw kaming humabol at siya na lang ang bahala."

Q When Amado Paragas stopped you telling you that he will be the one to chase Sixto Paragas, what did you do?

A What we did was we just help the victim to the hospital, sir.

x x x x x x x x

Q Did you see what Amado Paragas did after he told you that he will be the one to run after Sixto Paragas?

A He ran after Sixto Paragas but his running was slower than the running of a dog, sir." [20]

Further, Prosecution Witness Alejandro Malila was certain as to the identities of appellants, as shown during his cross-examination which proceeded in this manner:

"Q Would you inform the Honorable Court aside from Mabun, if you come to know the name of the passengers at the back?

A No, sir.

Q As a matter of fact, you do not/or you did not recognize anyone of them?

A By name, sir, no, sir.

Q But you saw their faces, is that what you want us to understand?

A Yes, sir.

Q Because you were looking at them sternly?

A Yes, sir.

Q Why, do you do that everytime you are riding a jeepney?

A Nakasanayan ko na pon iyon, sir. Kada pagsakay ko ng jeep, tumitingin po ako sa mga pumapasok, at least kung may vacant pa, puwede mong ituro sa kanila po." [21]

The testimonies of the prosecution witnesses more than sufficiently established the fact of the killing and the identities of the persons responsible therefor. [22]

First, the witnesses had a clear view of the stabbing incident, because they were seated next to one another while on board a passenger jeepney. Besides, the jeepney was lit, and the light from a Meralco post further illumined the scene. [23] As witnesses of violence, their most natural reaction was to strive to look at the appearance of the perpetrators of the crime and observe the manner in which it was committed. [24] Most often the faces and the body movements of the assailants create lasting impressions that cannot be easily erased from memory. [25]

Second, the witnesses' recollections of the specific details of the crime [26] -- the fact that the victim was stabbed on the chest, the use of a knife in stabbing him, and the position of the assailant -- were corroborated by the medicolegal's testimony [27] and the Autopsy Report. [28] A detailed testimony acquires greater weight and credibility when confirmed by autopsy findings. [29] In addition, the usually stressful condition of the witnesses can serve as a catalyst for their recollections. [30]

Third, there is no evidence to indicate that the witnesses for the prosecution were moved by improper motive and, thus, their testimonies are entitled to full faith and credit. [31]

It is a well-settled rule that the positive identification of the accused -- where categorical, consistent and without any showing of ill motive on the part of the eyewitness testifying on the matter -- prevails over alibi and denial. These lines of defense, if not substantiated by clear and convincing evidence, are deemed to be negative and self-serving.[32]

Appellants' Alibi

Appellant Sixto Paragas insists that he was at the LMR Market, tending the stall of Amado Paragas from 5:00 a.m. to 7:30 p.m. on the day of the stabbing incident.[33] The latter claims to have attended a meeting of the Western Bicutan Vendors Multipurpose Cooperative from 4:35 p.m. to 7:45 p.m.[34]

Basic is the rule that alibi is always viewed with suspicion, because it is inherently weak and unreliable.[35] Like denial, it amounts to nothing more than negative and self-serving evidence undeserving of any weight in law.[36] Alibi assumes significance or strength only when it is amply corroborated by a credible witness.[37] For it to prosper, the accused must be able to prove (a) that they were in another place at the time of the perpetration of the offense, and (b) that it was physically impossible for them to be at the scene of the crime at the time it happened.[38]

In the case at bar, the alibis of appellants fail to meet the requisites for a valid defense.[39] While their presence at another place at the time of the perpetration of the offense was tried to be established by the defense witnesses, the latter failed to raise any scintilla of doubt about the physical impossibility of the former's presence at the locus criminis or its immediate vicinity at the time of the incident. [40]

In fact, Sixto Paragas admitted that the flea market, where he allegedly was at the time of the incident, was near the Food Terminal Incorporated (FTI) compound -- the crime scene.[41] Thus, there still existed the possibility of his leaving the LMR stall and being physically present at the crime scene or its immediate vicinity.[42] Amado Paragas, during his cross-examination, likewise admitted that the distance of the FTI complex from the place where the meeting was held was "more or less one kilometer." [43] It was therefore not physically impossible for him to be at the locus criminis and then go back to the meeting place.[44]

Thus, appellants' alibis, being inherently weak, must fail vis-à-vis the witnesses' confirmation of their presence at the crime scene.[45] Between appellants' negative defenses and the witnesses' positive testimonies, there is no doubt that the latter are entitled to credence.[46]

Second Issue:

Crime and Punishment

Evident Premeditation

Not Proven

Appellants argue further that the RTC erred in appreciating the qualifying circumstance of evident premeditation, which the prosecution had failed to establish.[47] We agree. To show the elements of evident premeditation, the trial court held as follows:

"A perusal of the statement given by Ferdinand Gutierrez shows that it exculpates the sons of Lilia Serrano from the charge imputed to them by the accused Sixto Paragas. This statement may have impelled the accused to kill the victim so that he may no longer testify in court. The victim gave the statement on February 22, 1994 which the Court infers to be the time when the accused had determined to eliminate his victim. The fact that he was later positively identified as the killer of Mr. Gutierrez indicates that he had clung to his determination to kill him. Considering further that it took the accused thirteen days within which to kill his victim shows that he had sufficient time to reflect on his course of action." [48]

Like any other circumstance that qualifies a killing as murder, evident premeditation must be established by clear and positive evidence;[49] that is, by proof beyond reasonable doubt.[50] Essentially, premeditation is present if, during a space of time sufficient to arrive at a calm judgment, cool thought or reflection upon the resolution to carry out the criminal intent precedes the execution of the act[51] Indispensable to proving premeditation is showing how and when the plan to kill was hatched or how much time had elapsed before it was carried out.[52]

The following are the elements of this qualifying circumstance: (1) the time when the accused decided to commit the crime; (b) the overt act manifestly indicating that they clung to their determination; and (c) a sufficient lapse of time between the decision and the execution, allowing the accused to reflect upon the consequences of their act.[53]

In the case at bar, it cannot be presumed that Sixto Paragas decided to kill the victim when the latter, in his court testimony, exculpated the sons of Lilia Serrano. Premeditation must be based on external acts that are not merely suspicious but also notorious, manifest, evident and indicative of deliberate planning.[54] Even assuming that Sixto had intended to commit the crime, no convincing evidence was presented by the prosecution to prove when and how he and Amado had concocted the plan to kill, or clung to their determination to kill, the victim.[55] Neither does it appear that their decision to kill prior to the moment of its execution was the result of meditation, calculation, reflection, or persistent attempts.[56] Without such evidence, mere presumptions and inferences will not suffice.[57]

Hence, because the prosecution failed to establish the presence of all the elements of evident premeditation, it cannot be appreciated to qualify the killing as murder.[58] Thus, appellants can be convicted of homicide only,[59] for which the impossible penalty under the Revised Penal Code is reclusion temporal.[60]

Conspiracy Proven

Conspiracy exists when two or more persons come to an agreement and decide on the commission of a felony.[61] Well-settled is the rule that the existence of conspiracy cannot be presumed.[62] Thus, like any other element of the crime, it must be established and proven beyond reasonable doubt.[63] There is no necessity for direct proof that the co-conspirators had a prior agreement to commit the crime; proof that they acted in concert to pursue the same objective is sufficient.[64] Thus, criminal conspiracy must be founded on facts, not on mere surmises or conjectures.[65]

In the instant case, as correctly found by the RTC, the prosecution was able to show that appellants had conspired to kill the victim,[66] as shown by the following facts:

“First, Sixto glanced at Amado and the two nodded at each other before Sixto stabbed the victim. Second, Amado immediately and successfully prevented the other passengers from pursuing Sixto by volunteering to go after Sixto instead. Third, Mr. Venturado characterized the pursuit made by Amado to be half-hearted while Mr. Peralta testified that both accused were simply walking and not running. Fourth, by their actions, the accused were able to successfully consummate the crime with the least resistance from the other passengers. From these facts, the Court can conclusively infer the presence of a concerted action and a community of interest.”[67]

The foregoing acts of appellants before, during and after the crime clearly indicated joint purpose, concerted action and concurrence of sentiments.[68] Since their collective and individual acts demonstrated the existence of a common design for the accomplishment of the same unlawful purpose, conspiracy was evident; thus, all the perpetrators should be held liable as principals.[69] All in all, the prosecution satisfied the quantum of evidence required in a criminal prosecution, and the trial court’s finding that appellants committed the crime beyond reasonable doubt was indubitable and logical under the circumstances.[70]

Treachery Improperly
Appreciated by the Lower Court

Appellants aver that the RTC erred in appreciating the aggravating circumstance of treachery, as it was not alleged in the Information -- either as a qualifying or as an aggravating circumstance. We agree.

Under the old Rules on Criminal Procedure, only qualifying circumstances were required to be alleged in the Information. On the other hand, aggravating circumstances, even if not alleged, could still be appreciated except in cases wherein they would result in the imposition of the death penalty.[71] However, the 2000 Rules on Criminal Procedure require that both qualifying and aggravating circumstances must be specifically alleged in the Information.[72] Sections 8 and 9 of Rule 110 now provide as follows:

“SEC 8. Designation of the offense. – The complaint or information shall state the designation of the offense given by statute, aver the acts or omission constituting the offense, and specify its qualifying and aggravating circumstances. If there is no designation of the offense, reference shall be made to the section or subsection of the statute punishing it.

“SEC. 9. Cause of the accusation.– The acts or omissions complained of as constituting the offense and the qualifying and aggravating circumstances must be stated in ordinary and concise language and not necessarily in the language used in the statute but in terms sufficient to enable a person of common understanding to know what offense is being charged as well as its qualifying and aggravating circumstances and for the court to pronounce judgment.”

Even if treachery were duly established by the prosecution, it cannot be held to qualify or aggravate the offense charged because it was not alleged in the Information.[73] This principle is now applicable to all criminal cases, not only to those in which aggravating circumstances would increase the penalty to death.[74]

The Information in the present case did not allege the presence of treachery. Hence, this circumstance cannot be appreciated in determining the crime committed and the penalty to be imposed.

Article 249 of the Revised Penal Code prescribes reclusion temporal as the penalty for homicide. There being no aggravating or mitigating circumstance, the imposable penalty on appellants is the medium period, pursuant to Article 64(1) of the same Code; or 14 years, six (6) months and one (1) day to 17 years and four (4) months. Applying the Indeterminate Sentence Law, the penalty imposable is six (6) years and one (1) day of prision mayor medium, as the minimum penalty; to 14 years, eight (8) months and one (1) day of reclusion temporal medium, as maximum penalty.

WHEREFORE, the Decision of the RTC of Pasig City (Branch 263) is MODIFIED. Appellants are CONVICTED of homicide and SENTENCED to suffer the indeterminate sentence of six (6) years and one (1) day of prision mayor medium, as minimum; to 14 years, eight (8) months and one (1) day of reclusion temporal medium, as maximum. They are also ORDERED TO PAY the heirs of the victim the amount of P50,000 as indemnity ex delicto and another P50,000 as moral damages pursuant to current jurisprudence.[75] No pronouncement as to costs.

SO ORDERED.

Bellosillo, (Acting C.J.), Puno, Vitug, Kapunan, Mendoza, Quisumbing, Ynares-Santiago, Sandoval-Gutierrez, Carpio, Austria-Martinez, and Corona, JJ., concur. Davide, Jr., C.J., on leave.

[1] Penned by Judge Danilo B. Pine; rollo, pp. 23-43.

- [2] RTC Decision, p. 21; rollo, p. 43.
- [3] Signed by 4th Asst. Provincial Prosecutor Rizalina T. Capco-Umali.
- [4] Rollo, p. 4.
- [5] Atty. Felicisimo Ilagan.
- [6] Certificate of Arraignment; records, p. 26.
- [7] Appellee's Brief was signed by Solicitor General Simeon V. Marcelo and Solicitor Derek R. Puertollano.
- [8] Appellee's Brief, pp. 5-9; rollo, pp. 118-122.
- [9] Appellants' Brief was signed by Attys. Amelia C. Garchitorena, Marvin R. Osias and Nestor P. Delos Reyes -- all of the Public Attorney's Office.
- [10] Appellants' Brief, pp. 6-8; rollo, pp. 66-68.
- [11] Assailed Decision, p. 6; rollo, p. 28.
- [12] This case was deemed submitted for resolution on May 31, 2002, upon receipt by this Court of appellants' Manifestation (in lieu of Reply).
- [13] Appellants' Brief, pp. 1-2; rollo, pp. 61-62. Original in upper case.
- [14] Ibid., pp. 10 and 70.
- [15] *People v. Garces Jr.*, 322 SCRA 834, 846, January 20, 2000.
- [16] *People v. Basquez*, GR No. 144035, September 27, 2001; *People v. Jaberto*, 307 SCRA 93, May 12, 1999; *People v. Deleverio*, 289 SCRA 547, April 24, 1998.
- [17] *People v. Bonito*, 342 SCRA 405, October 10, 2000, per Puno, J.
- [18] *People v. Basquez*, *supra*; *People v. Jaberto*, *supra*; *People v. Deleverio*, *supra*.
- [19] Assailed Decision, p. 6; rollo, p. 28.
- [20] TSN, June 6, 1994, pp. 4-9.
- [21] Ibid., pp. 31-32.
- [22] *People v. Aytalin*, GR No. 134138, June 21, 2001.
- [23] TSN, August 12, 1995, p. 12.
- [24] *People v. Ayupan*, GR No. 140550, February 13, 2002; *People v. Pulusan*, 290 SCRA 353, May 21, 1998.
- [25] *People v. Punsalan*, GR No. 145475, November 22, 2001.
- [26] *People v. Ayupan*, *supra*.
- [27] TSN, July 21, 1994, pp. 12-22.
- [28] Exhibit "D"; records, p. 192.
- [29] *People v. Leal*, GR No. 139313, June 19, 2001; *People v. Molina*, 312 SCRA 130, August 10, 1999; *People v. De Guia*, 280 SCRA 141, October 2, 1997.
- [30] *People v. Bragat*, GR No. 134490, September 4, 2001.
- [31] *People v. Cabuang*, 217 SCRA 675, January 27, 1993.
- [32] *People v. Lovedorial*, GR No. 139340, January 17, 2001, citing *People v. Enriquez*, 292 SCRA 656, July 20, 1998.
- [33] TSN, September 16, 1997, pp. 6-7.
- [34] TSN, October 22, 1996, p. 12.
- [35] *People v. Navales*, 337 SCRA 436, August 8, 2000.
- [36] *People v. Moreno*, GR No. 140033, January 25, 2002.
- [37] *People v. Amestuzo*, GR No. 104383, July 12, 2001, citing *People v. Alib*, 322 SCRA 93, January 18, 2000.
- [38] *People v. Napud Jr.*, GR No. 123058, September 26, 2001, citing *People v. Villanos*, 337 SCRA 78, August 1, 2000; *People v. Aranquez*, 285 SCRA 466, January 29, 1998.
- [39] *People v. Cristobal*, 306 SCRA 358 April 29, 1999.
- [40] *People v. Arellano*, GR No. 125442 September 28, 2001; *People v. Andres*, 296 SCRA 318, September 25,

- 1998; *People v. Tulop*, 289 SCRA 316, April 21, 1998; *People v. Palarco*, 288 SCRA 151, March 26, 1998.
- [41] TSN, p. 6, September 30, 1997.
- [42] *People v. Cristobal*, 252 SCRA 507, January 29, 1996.
- [43] TSN, March 18, 1997, p. 12.
- [44] *People v. Dee*, 342 SCRA 115, October 5, 2000.
- [45] *People v. Sesbreño*, 314 SCRA 87, September 9, 1999.
- [46] *People v. Arrojado*, 350 SCRA 679, January 31, 2001.
- [47] Appellants' Brief, p. 15; rollo, p. 75.
- [48] RTC's Decision, p. 17; rollo, p. 39.
- [49] *People v. Manes*, 303 SCRA 231, February 17, 1999.
- [50] *People v. Derilo*, 338 Phil. 350, April 18, 1997; *People v. De Guia*, 177 SCRA 112, August 31, 1989.
- [51] *People v. Tan*, GR Nos. 116200-02, June 21, 2001; *People v. Ariola*, 100 SCRA 523, October 29, 1980.
- [52] *Ibid.*; *People v. Sambulan*, 289 SCRA 500, April 24, 1998.
- [53] *People v. Herida*, 353 SCRA 650, March 5, 2001; *People v. Jose*, 324 SCRA 196, January 31, 2000; *People v. Naguita*, 313 SCRA 292, August 30, 1999.
- [54] *People v. Narit*, 197 SCRA 334, May 23, 1991.
- [55] *People v. Enriquez*, GR No. 138264, April 20, 2001.
- [56] *People v. Eribal*, 305 SCRA 341, March 25, 1999.
- [57] *People v. Mahinay*, 304 SCRA 767, March 17, 1999.
- [58] *People v. Macuha*, 310 SCRA 14, July 6, 1999.
- [59] *People v. Hilot*, 342 SCRA 128, October 5, 2000.
- [60] *People v. Ayupan*, *supra*.
- [61] *People v. Tan*, *supra*.
- [62] *People v. Samudio*, GR No. 126168, March 7, 2001.
- [63] *Ibid.*
- [64] *Id.*
- [65] *People v. De Vera*, 312 SCRA 640, August 18, 1999.
- [66] *People v. Cuenca*, GR No. 143819, January 29, 2002.
- [67] Assailed Decision, p. 18; rollo, p. 40.
- [68] *People v. Suela*, GR Nos. 133570-71, January 15, 2002.
- [69] *Ibid.*
- [70] *People v. Aytalin*, *supra*.
- [71] *People v. Lab-eo*, GR No. 133438, January 16, 2002; *People v. Legaspi*, GR Nos. 136164-65, April 20, 2001; *People v. Mauricio*, GR No. 133695, February 28, 2001.
- [72] *Ibid.*
- [73] *People v. Bragat*, *supra*.
- [74] *People v. Legaspi*, GR Nos. 136164-65, April 20, 2001.
- [75] *People v. Ubaldo*, GR No. 129389, October 17, 2001; *People v. Zate*, GR No. 129926, October 5, 2001; *People v. Reapor*, GR No. 130962, October 5, 2001.

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