

THE PEOPLE OF THE PHILIPPINES, APPELLEE, VS. MELANIO GALO ALIAS “DODO” AND “EDGAR,” ALIAS “ALDO,” ALIAS “YOCYOC,” ALIAS “DODO,” ALIAS “JIMMY,” ALIAS “JOSEPH,” ALIAS “DINDO,” AND...

G.R. No. 187497. October 12, 2011

Ponente: BRION, J.

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BRION, J.:

We resolve in this Decision the appeal from the November 21, 2008 decision[1] of the Court of Appeals (CA) in CA-G.R. CR-HC No. 00224-MIN. The CA sustained (with modification) the Regional Trial Court (RTC), Branch 19, Digos City, Davao del Sur, whose decision[2] found Edwin Villamor alias "Tata" (appellant) guilty beyond reasonable doubt of murder, and imposed on him the penalty of reclusion perpetua.

ANTECEDENT FACTS

In an Information dated May 9, 2001, the prosecution charged the appellant and eight (8) other co-accused[3] with the crime of murder. Out of the nine (9) accused, only the appellant was apprehended, while the others remained at large. The appellant was arraigned and pleaded not guilty to the charge.[4] During the trial, the prosecution presented the following witnesses: Jose Valderama; Francisco Anuada; Demencita Matutis; Leonora Resuelo; Barangay Captain Estremos Acyo; and Rodolfo Doong. For the defense, the appellant was presented as witness.

Jose, a relative of the victim Ruben Resuelo, Sr., recalled that he was outside his house in Sitio Caran-caran, Goma, Digos City, Davao del Sur, in the afternoon of October 9, 2000, when the appellant, Melanio Galo, and three (3) other men - armed with Garand and M14 Armalite rifles - passed by, and walked behind the "hog-tied" Resuelo, Sr.[5] He went to his aunt's house in Barangay Dulangan, and reported what he saw. After learning of Resuelo, Sr.'s death, he concluded that the appellant and his companions were responsible for his death.[6]

Francisco narrated that at midnight of October 9, 2000, he was sleeping in his house in Camalig when two armed (2) men woke him up, and borrowed a "guna" (bolo) from him; they also told him that they would bury Resuelo, Sr.'s body. They then warned him of the consequences if the appellant's body would be discovered. While walking on his farm the next day, Francisco saw a shallow grave with a hand protruding from the soil; he also saw three (3) men near the grave. He requested them to transfer the body to another place as he might be implicated in the crime.[7] On October 11, 2000, he discovered that the body had been buried at another portion of his farm. He reported the matter to Barangay Captain Acyo, and accompanied him to the place where the body had been buried. Thereafter, he assisted the barangay officials and some residents in digging out the body.[8] Francisco likewise testified that Resuelo, Sr.'s face bore substantial damage and that his arms and feet were hog-tied.

Demencita testified that on the evening of October 3, 2000, the appellant and eight (8) other armed persons went to her house, and asked if they could stay there for the night. The appellant and Melanio stayed there until October

9, 2000, while their companions transferred from one house to another. On the evening of October 9, 2000, she learned that Resuelo, Sr. had been missing after the latter's children asked her about their father's whereabouts.[9]

Leonora, the victim's wife, testified that at 6:00 a.m. of October 11, 2000, her son, Ruben Resuelo, Jr., arrived at her house and informed her that Resuelo, Sr. had been missing since October 9, 2000. Leonora and her two other children immediately went to Sitio Caran-caran, Goma, Digos City, to search for Resuelo, Sr. She failed to locate him, leading her to inform Barangay Captain Acyo that her husband had been missing. Barangay Captain Acyo called for a meeting, and then requested his constituents to disclose any information they might have regarding Resuelo, Sr.'s whereabouts. During this meeting, Nonito Calvo acknowledged that a man had been buried at Francisco's vegetable farm. Barangay Captain Acyo and his men proceeded to Francisco's farm, dug up the body, and brought it to the barangay hall for identification. According to Leonora, her husband's body bore seven stab wounds.[10]

Barangay Captain Acyo's testimony was aptly summarized by the RTC, as follows:

He was informed that Edwin Villamor surrendered in Kiblawan in connection with the death of Resuelo. At the request of Edwin's mother, he went to see Edwin Villamor when he was detained in the Provincial Rehabilitation Center (PRC). Edwin denied being involved in the killing of Resuelo stating that the perpetrators were his companions[,] namely: Aldo, Melanio Galo, Edgar, alias Yokyok, alias Jimmy or Joseph, alias Dodo and alias G.R. Edwin said he was in Kamalig when Resuelo was killed. Asked why he surrendered, Edwin told him he was tired hiding in the mountains. Edwin admitted to him of being a member of the NPA.[11]

In his defense, the appellant confirmed that he was once a member of the New People's Army (NPA) assigned in Camandag, Makilala, but left the organization in May 2001. He denied any participation in Resuelo, Sr.'s death, and maintained that he was in Makilala at the time of the incident. In April 2001, he surrendered to the barangay captain of Balugan, who, in turn, brought him to the chief of police. The chief of police presented him to Cotabato Governor Manny Piñol, who offered him and six (6) other surrendered rebels livelihood projects.[12] After some time, he went to the office of Davao del Sur Governor Roger Llanos to secure a recommendation letter for a job in Makilala, but the police arrested him. He denied any participation in the death of Resuelo, Sr. when Barangay Captain Acyo visited him in jail.[13]

The RTC, in its September 25, 2003 decision, found the appellant guilty beyond reasonable doubt of the crime of murder, and sentenced him to suffer the penalty of reclusion perpetua. The RTC also ordered him to pay the victim's heirs P50,000.00 as civil indemnity and P50,000.00 as actual damages. It likewise ordered the case against the other accused to be archived, subject to reinstatement upon their arrest.[14]

On appeal, we endorsed this case to the CA for appropriate action and disposition pursuant to our ruling in *People v. Mateo*. [15] After careful deliberations, the CA, in its November 21, 2008 decision, affirmed the RTC's decision with modification, ordering the appellant to pay the victim's heirs P50,000.00 as moral damages and P25,000.00 as temperate damages in lieu of actual damages.

The CA held that all the elements of circumstantial evidence have been established to uphold the appellant's conviction. According to the CA, viz.:

In the present case, the prosecution's evidence constitutes an unbroken chain which leads to one fair and reasonable conclusion pointing to the accused-appellant as the author of the crime. First, Jose Valderama saw accused-appellant and four (4) other persons together with the hog-tied victim pass by his house in Sitio Caran-caran in the afternoon of October 9, 2000. Second, Demencita Matutis testified that accused-appellant and his companions stayed at her house in Sitio Caran-caran from October 3 to October 9, 2000. Third, Francisco Anuada testified that the body of Ruben was buried in his farm on the night of October 9, 2000 by

several armed men. Fourth, Estremos Acyo, the Barangay Captain of Goma, testified that accused-appellant implicated his co-accused as responsible for the killing of Ruben. Lastly, accused-appellant admitted to be a member of the New People's Army and they were actively operating in the area of Davao del Norte and sometimes even in the area of Davao del Sur.[16] (*italics ours*)

The CA further ruled that Jose's and Demencita's testimonies negated the appellant's defenses of denial and alibi.

In his brief,[17] the appellant argues that the courts a quo erred in convicting him of the crime charged despite the prosecution's failure to prove his guilt beyond reasonable doubt. He maintains that the circumstantial evidence against him for murder was weak.

THE COURT'S RULING

We uphold the appellant's conviction for murder.

The prosecution established the appellant's guilt for murder beyond reasonable doubt.

Preliminarily, we note that the lack of direct evidence does not ipso facto bar the finding of guilt against the appellant. As long as the prosecution establishes the appellant's participation in the crime through credible and sufficient circumstantial evidence[18] that leads to the inescapable conclusion that the appellant committed the imputed crime,[19] the latter should be convicted.

According to Section 4, Rule 133 of the Rules of Court, circumstantial evidence is sufficient for conviction if: "(a) there is more than one circumstance; (b) the facts from which the inferences are derived are proven; and (c) the combination of all the circumstances is such as to produce a conviction beyond reasonable doubt." [20] In this regard, we give great weight to the findings of fact made by the RTC, as upheld by the CA,[21] viz.:

(a)

the appellant and eight other armed people stayed at Demencita's house in Sitio Caran-caran on October 3, 2000, but only the appellant and Melanio stayed there until the early morning of October 9, 2000;

(b)

the appellant, Melanio, and three (3) others, who were armed with Garand and M14 Armalite rifles, passed by Jose's house in Sitio Caran-caran in the afternoon of October 9, 2000, and were walking behind the "hog-tied" Resuelo, Sr.;

(c)

Resuelo Sr. was never seen alive again;

(d)

two armed men borrowed a bolo from Francisco at midnight of October 9, 2000, and told him that they would bury Resuelo, Sr.'s body;

(e)

Francisco saw Resuelo, Sr.'s body buried in his farm on October 10, 2000, and requested the three persons whom he saw near the shallow grave to transfer the cadaver to another place;

(f)

Francisco saw the victim's body buried in another portion of his farm on October 11, 2000, and reported the matter to the barangay captain;

(g)

Resuelo, Jr. reported to Leonora on October 11, 2000 that Resuelo, Sr. had been missing since October 9, 2000;

(h)

Leonora informed Barangay Captain Acyo that her husband had been missing for two days;

(i)

Nonito told Barangay Captain Acyo during a meeting that a man was buried at Francisco's farm; and

(j)

Resuelo, Jr., Barangay Captain Acyo, and some barangay officials went to Francisco's farm on October 11, 2000, and exhumed the victim's body.

The combination of these ten (10) circumstances constitutes an unbroken chain leading to the inescapable conclusion[22] that the appellant is guilty for the crime of murder.[23]

First, Jose's testimony sufficiently establishes that Resuelo, Sr. was last seen alive with the appellant and his companions. Jose unequivocally stated that he saw the appellant and his companions - with Resuelo, Sr. - walk in front of his house on the day of the murder. Jose positively declared that he saw the victim hog-tied at the time. This was in the afternoon of October 9, 2000.

Second, Demencita's unequivocal statements - that the appellant and his co-accused Melanio stayed at her house on October 3, 2000 and left only in the morning of October 9, 2000, the day of the murder - confirm the appellant's presence in the locality at the time of the murder. He was next seen in the same locality by Jose, this time with the hog-tied victim, in the afternoon of the same day.

Third, Francisco's testimony establishes the immediate aftermath of the murder. Not only did the armed men borrow a bolo from him at midnight of October 9, 2000, they also told him that they would bury Resuelo, Sr.'s body and warned him not to dig it up from its buried site. In the morning of October 10, 2000, he confirmed the presence of the dead body on his property when he saw the shallow grave and the victim's hand protruding from it. When the body was disinterred from where the armed man had transferred it (the lower portion of Francisco's property), Francisco clearly identified the victim as Resuelo, Sr. The disinterred body not only showed significant damage to its face and wounds on its arm; the victim's hands and feet were also hog-tied.

Fourth, Francisco's testimony that Resuelo, Sr.'s body was buried in his farm was corroborated by Nonito's testimony that he saw someone being buried in the same place where Resuelo Sr.'s body was found.

Thus, the evidence presented shows a sequence of events that can only lead to the conclusion that the armed men - of which the appellant was one of them - killed and buried the victim Resuelo, Sr. The sufficiency of the presented evidence to prove the appellant's guilt is fully supported by jurisprudence.

In *People v. Solangon*,^[24] we convicted accused Ricardo Solangon on the strength of circumstantial evidence. In *Solangon*, even though no direct evidence was presented to prove that the accused (alleged to have been members of the NPA) actually killed the victim, we still upheld the conviction.

In *People v. Oliva*,^[25] we upheld the conviction of the accused based on circumstantial evidence. In *Oliva*, the victim was abducted from his home, was last seen alive in the custody of the accused, and was hog-tied with

coralon rope. Although no one saw the actual killing, we held that there was sufficient circumstantial evidence to find the accused guilty beyond reasonable doubt.

In yet another case - *People v. Corfin*[26]- we upheld the conviction of the accused based on evidence showing that: (1) the accused was the last person seen with the victim; (2) the accused and the victim were seen together near a dry creek; (3) the accused was seen leaving the place alone; and (4) the body of the victim was later found in the dry creek.

All these cases show that the Court, when presented with sufficient circumstantial evidence, will not shirk from upholding an accused's conviction for murder. There are more than enough reasons to similarly act in this case where the law and the attendant facts, considered in relation to one another, lead to the single conclusion that the appellant participated in the killing of Resuelo, Sr.

The appellant's alibi was clearly negated by the testimonies of Jose and Demencita

The defense anchors its theory on the alibi that the appellant was not in Sitio Caran-caran at the time of the murder. However, the RTC and the CA correctly refused to give credence to this defense in light of Jose's and Demencita's testimonies.

We reiterate the principle that alibi, as a defense, is inherently weak and crumbles in light of positive identification by truthful witnesses.[27] Further, in *People of the Philippines v. Herminiano Marzan*, we held that "[d]enial is negative and self-serving and cannot be given greater evidentiary weight over the testimony of a credible witness who positively testified that the appellant was at the locus criminis and was the last person seen with the victim." [28]

In this case, Jose unequivocally testified that he saw the appellant at the vicinity of Caran-caran on October 9, 2000, the day of the murder. More importantly, Jose testified that he saw the appellant, together with four (4) other men, walking with Resuelo, Sr. - while the latter was hog-tied - on the day of the murder. Jose's testimony not only establishes a strong circumstance to establish the appellant's culpability - since the victim was last seen with the appellant and his companions - but also strongly negates the appellant's alibi that he was not in Caran-caran at the time of the murder. To be sure, Demencita not only saw the appellant and his companions in Caran-caran but she also allowed them to stay in her house until the morning of October 9, 2000, the day of the murder. The appellant's alibi necessarily crumbles in light of these two clear and positive testimonies.

In sum, we find no cogent reason not to support the decision of the CA. The appellant is guilty beyond reasonable doubt of the crime of murder and clearly merits the penalty of reclusion perpetua with all the accessory penalties provided by law. As for damages, the CA awarded the following amounts: (1) P50,000.00 as civil indemnity ex delicto; (2) P50,000.00 as moral damages; and (3) P25,000.00 as temperate damages in lieu of actual damages. To conform to recent jurisprudence,[29] the amounts to be awarded are, as follows: (1) P50,000.00 as civil indemnity; (2) P50,000.00 as moral damages; (3) P30,000.00 as exemplary damages; and (4) P30,000.00 as temperate damages in lieu of actual damages.[30]

WHEREFORE, in light of all the foregoing, we AFFIRM the November 21, 2008 decision of the Court of Appeals in CA-G.R. CR-HC No. 00224-MIN. Appellant Edwin Villamor is hereby found GUILTY beyond reasonable doubt of the crime of murder and is sentenced to suffer the penalty of reclusion perpetua with all the accessory penalties provided by law. In conformity with recent jurisprudence, we MODIFY the amounts to be awarded, as follows: P50,000.00 as civil indemnity; P50,000.00 as moral damages; P30,000.00 as exemplary damages; and P30,000.00 as temperate damages in lieu of actual damages.

SO ORDERED.

Carpio, (Chairperson), Sereno, Reyes, and Perlas-Bernabe,[*] JJ., concur.

[*] Designated as Acting Member of the Second Division in lieu of Associate Justice Jose Portugal Perez, per Special Order No. 1114 dated October 3, 2011.

[1] Rollo, pp. 5-22; penned by Associate Justice Rodrigo F. Lim, Jr., and concurred in by Associate Justice Michael P. Elbinias and Associate Justice Ruben C. Ayson.

[2] CA rollo, pp. 21-27; penned by Judge Hilario I. Mapayo.

[3] Melanio Galo alias "Dodo" and "Edgar," alias "Aldo," alias "Yocyoc," alias "Dodo," alias "Jimmy," alias "Joseph," alias "Dindo," and alias "G.R."

[4] Rollo, p. 7.

[5] TSN, August 12, 2002, pp. 9-11 and 13.

[6] Id. at 14-16.

[7] TSN, June 19, 2002, pp. 8-12.

[8] Id. at 12-16.

[9] TSN, August 12, 2002, pp. 31-38.

[10] TSN, March 13, 2002, pp. 5-9.

[11] CA rollo, p. 23.

[12] TSN, March 10, 2003, pp. 5-8.

[13] Id. at 8-10.

[14] Supra note 2.

[15] G.R. Nos. 147678-87, July 7, 2004, 433 SCRA 640.

[16] Supra note 1, at 15-16.

[17] CA rollo, pp. 37-51.

[18] People v. Solangon, G.R. No. 172693, November 21, 2007, 537 SCRA 746.

[19] People v. Villarino, G.R. No. 185012, March 5, 2010, 614 SCRA 372.

[20] See e.g. People v. Matignas, 428 Phil. 834, 869-870 (2002).

[21] People of the Philippines v. Arnold Castro y Yanga, G.R. No.194836, June 15, 2011.

[22] People of the Philippines v. Herminiano Marzan y Olonan, G.R. No.189294, February 21, 2011.

[23] People of the Philippines v. Rodolfo Capitle and Arturo Nagares, G.R. No. 175330, January 12, 2010, citing Bastian v. Court of Appeals, G.R. No. 160811, April 18, 2008, 552 SCRA 43, 55.

[24] G.R. No. 172693, November 21, 2007, 537 SCRA 746.

[25] 402 Phil. 482 (2001).

[26] G.R. No. 131478, April 11, 2002, 380 SCRA 504.

[27] People v. Dela Cruz, G.R. No. 175929, December 16, 2008, 574 SCRA 78, 91; and Velasco v. People, G.R. No. 166479, February 28, 2006, 483 SCRA 649, 664-665.

[28] People of the Philippines v. Herminiano Marzan y Olonan, *supra* note 22.

[29] People of the Philippines v. David Maningding, G.R. No. 195665, September 14, 2011.

[30] People v. Narzabal, G.R. No. 174066, October 12, 2010, 632 SCRA 772.

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