

PEOPLE OF THE PHILIPPINES, APPELLEE, VS. FRANCISCO RELOS, SR., APPELLANT.

G.R. No. 189326. November 24, 2010

Ponente: NACHURA, J.

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NACHURA, J.:

In an Information dated December 28, 2005, appellant Francisco Relos, Sr., together with his brother, Oliver Relos (Oliver); sons, Francisco Relos, Jr. (Francisco, Jr.) and Regie Relos (Regie); nephews, Georgie Relos (Georgie), Larry Relos (Larry), and Olijames Relos (Olijames); and sons-in-law, Allan Falabiano (Allan) and Steve Paa (Steve), was charged for killing his cousin, Ramon Relos, Sr., thus:

That on or about DECEMBER 26, 2005, in the [M]unicipality of Lal-lo, [P]rovince of Cagayan, and within the jurisdiction of this Honorable Court, the above-named accused, armed with knives, bolos and a hand grenade, with intent to kill, with evident premeditation and with treachery, and by the use of superior strength, conspiring together and helping one another, did then and there willfully, unlawfully and feloniously assault, attack, stab[,] and hack one Ramon Relos, Sr., inflicting upon the latter multiple stab/hack wounds in the different parts of his body which caused his death.

CONTRARY TO LAW.[1]

On December 26, 2005, at past 7:00 a.m., the victim and his son, Ramon Relos, Jr. (Ramon, Jr.), alighted from a jeepney and walked along the highway towards the house of Feliciano Relos, Jr. (Feliciano, Jr.), the victim's brother. Appellant was then leaning on the fence in front of his house, while his son, Francisco, Jr., and Oliver were across the road. The victim was walking about five meters ahead of his son and was almost in front of appellant's house when Oliver approached him and greeted him, "Merry Christmas, insan!" while drawing his knife. Appellant approached the victim from behind and suddenly hacked him with a bolo on the right shoulder. Francisco, Jr. followed it with hack to the victim's left shoulder. Oliver then placed his arm over the victim's shoulders and stabbed the victim several times on the front portion of his body.

Ramon, Jr. shouted at the assailants, telling them to stop hurting his father, but he was chased by Francisco, Jr., who was holding a bolo with a long handle, and Allan and Larry, who were also armed with knives. Francisco, Jr. caught up with Ramon, Jr. and hacked him, but the latter was able to jump over a drainage canal and run away.

Meanwhile, the victim fell on the ground after he was stabbed by Oliver. Rogelio Bautista, Jr. (Rogelio, Jr.), the victim's nephew, who had just come from the store, witnessed the incident and shouted to Feliciano, Jr. that his brother had been killed. Feliciano, Jr. and Rogelio, Jr.'s mother, Gloria, ran out of the house in the direction of where the victim was, but they were met by Georgie and Olijames, who were holding a kris and a bolo, so they retreated.

Regie and Steve pushed the victim's body towards a canal. Thereafter, Oliver cut off the victim's head, showed it to passersby, and then dropped it on the road. He then went to his house and brought out a gun and a hand grenade. He tried to shoot Gloria and Rogelio, Jr., but the gun would not fire. Instead, he threw the hand grenade

at them, but it hit a tree near him and exploded.

About 10 to 15 minutes later, the police arrived and arrested appellant, Oliver, Francisco, Jr., Larry, and Georgie. The others ran away.

During arraignment, Oliver pleaded guilty, while the others, including herein appellant, pleaded not guilty.

On October 25, 2006, the Regional Trial Court (RTC) rendered a decision[2] finding appellant, Oliver, and Francisco, Jr. guilty of murder, thus:

WHEREFORE, the Court finds accused Oliver Relos and Francisco Relos, Sr., "GUILTY" beyond reasonable doubt of the crime of "Murder" for killing Ramon Relos, Sr., and finds accused Larry Relos, Allan Falabiano, Regie Relos, Olijames Relos, Steve Paa[,] and Georgie Relos "Not Guilty" for lack of evidence and orders their acquittal. They being detention prisoners, they are hereby ordered released immediately unless detained for some other lawful cause.

The sentencing of minor accused Francisco Relos, Jr.[,] though found to be guilty[,] is hereby suspended pursuant to the provisions [of] Article 80 of the Revised Penal Code and Article 192 of PD 603. However[,] he must be sent to a reformatory institution. Let accused Francisco Relos, Jr. be transferred from his detention and be placed under the care and custody of the DSWD for his rehabilitation pursuant to law.

The court hereby sentences accused Oliver Relos and Francisco Relos, Sr. to each suffer the penalty of reclusion perpetua, to pay the heirs of the victim the amount of Fifty Thousand Pesos (P50,000.00) as civil indemnity, the amount of Forty Thousand Pesos (P40,000.00) as actual damages and pay the costs of [the] suit.

SO DECIDED.[3]

On appeal, the Court of Appeals (CA) affirmed the RTC decision, with modification as to the award of damages. The CA gave credence to the testimonies of Ramon, Jr. and Rogelio, Jr., noting that their narration of events was corroborated by physical evidence, that is, the location and the nature of the wounds sustained by the victim as indicated in the autopsy report. Correlatively, the CA did not give weight to Oliver's testimony that appellant was not at the scene of the crime at the time the incident happened, which testimony would have exonerated appellant. Finally, the CA affirmed the trial court's findings of conspiracy and the qualifying circumstance of treachery. Thus, the dispositive portion of the CA Decision[4] dated May 19, 2009 reads:

WHEREFORE, the Decision dated October 25, 2006 of the Regional Trial Court of Aparri, Cagayan, Branch 8, in Criminal Case No. II-9527 which found accused-appellant Francisco Relos, Sr. guilty of MURDER and sentenced him to reclusion perpetua and to pay P50,000.00 as civil indemnity and costs of [the] suit is hereby AFFIRMED with MODIFICATION. Accused-appellant is also ORDERED to pay the heirs of Ramon Relos, Sr. the amounts of P50,000.00 as moral damages, P25,000.00 as temperate damages, and P25,000.00 as exemplary damages. We delete the award of actual damages.

SO ORDERED.[5]

Appellant filed a notice of appeal, which was given due course by the CA in its Resolution[6] dated July 2, 2009.

We find no reversible error in the assailed Decision.

Findings of trial courts, which are factual in nature and which involve credibility of witnesses, are accorded respect when no glaring errors; gross misapprehension of facts; or speculative, arbitrary, and unsupported conclusions can be gathered from such findings.[7] None of these circumstances is present in this case. The Court therefore sustains the findings of fact of the trial court, as affirmed by the CA, particularly on the weight given to the testimony of the victim's son, Ramon, Jr.

The testimonies of Ramon, Jr. and the other witnesses firmly established appellant's identity and his participation in the killing of Ramon, Sr. Thus, Oliver's testimony that he did not see appellant at the scene of the crime when the victim was killed was obviously a blatant lie, not worthy of any credence.

Based on the narration of events that led to the victim's death, we find that the finding of conspiracy was indeed warranted.

Conspiracy exists when two or more persons come to an agreement to commit an unlawful act.[8] It may be inferred from the conduct of the accused before, during, and after the commission of the crime.[9] Conspiracy may be deduced from the mode and manner in which the offense was perpetrated or inferred from the acts of the accused evincing a joint or common purpose and design, concerted action, and community of interest.[10]

The presence of conspiracy was definitely established by the synchronized acts of appellant, Oliver, and Francisco, Jr. in carrying out their common objective of killing the victim. The three assailants simultaneously approached the victim and delivered successive blows that seriously injured the latter.

Though it was not clear who delivered the fatal blow, it does not make any difference in light of the finding of conspiracy. Where conspiracy is shown, the precise modality or extent of participation of each accused becomes secondary, and the act of one may be imputed to all the conspirators. In other words, a person found in conspiracy with the actual perpetrator of the crime by performing specific acts with such closeness and coordination as the one who executed the criminal act is equally guilty as the latter, because, in the eyes of the law, each conspirator is a co-principal and is equally guilty with the other members of the plot. [11]

We also affirm the trial court's finding that the crime was attended by treachery. There is treachery when the means, methods, and forms of execution gave the person attacked no opportunity to defend himself or to retaliate; and such means, methods, and forms of execution were deliberately and consciously adopted by the accused without danger to his person. What is decisive in an appreciation of treachery is that the execution of the attack made it impossible for the victim to defend himself.[12] The essence of treachery is the swift and unexpected attack on an unsuspecting and unarmed victim who does not give the slightest provocation.[13]

The victim was not prepared to meet the initial attack made by appellant as he was distracted by Oliver who greeted him, "Merry Christmas, insan!" He was then caught off guard by the subsequent blows delivered by the other assailants, which were successive and gave him no opportunity to defend himself. Moreover, he did not have the means to defend himself as he was unarmed. Hence, treachery was clearly present.

In view of current jurisprudence, we, however, modify the award of damages by increasing the amount of civil indemnity to P75,000.00, moral damages to P75,000.00, and exemplary damages to P30,000.00.[14] As to the amount of P25,000.00 as temperate damages, we find the same reasonable under the circumstances.

WHEREFORE, the petition is DENIED. The Court of Appeals Decision dated May 19, 2009 is AFFIRMED with MODIFICATION that appellant is ordered to pay the heirs of Ramon Relos, Sr. P75,000.00 as civil indemnity, P75,000.00 as moral damages, and P30,000.00 as exemplary damages.

SO ORDERED.

Carpio, (Chairperson), Peralta, Abad, and Mendoza, JJ., concur.

[1] CA rollo, p. 10.

[2] Id. at 77-97.

[3] Id. at 96-97.

[4] Rollo, pp. 2-26.

[5] Id. at 25.

[6] Id. at 30.

[7] People v. Bayani, G.R. No. 179150, June 17, 2008, 554 SCRA 741, 752.

[8] People v. Delos Santos, 399 Phil. 405, 417 (2000).

[9] People v. Cabrera, G.R. No. 105992, February 1, 1995, 241 SCRA 28, 34.

[10] People v. Agpawan, 393 Phil. 434, 438 (2000).

[11] People v. Bermas, 369 Phil. 191, 233 (1999).

[12] People v. Sades, G.R. No. 171087, July 12, 2006, 494 SCRA 716, 727-728.

[13] People v. Bermas, *supra*, at 234.

[14] Virgilio Bug-atan, Bernie Labandero, and Gregorio Manatad v. The People of the Philippines, G.R. No. 175195, September 15, 2010.

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