

**PEOPLE OF THE PHILIPPINES, PLAINTIFF-APPELLEE, VS. REYNALDO SUELA Y ILLUSTRE ALIAS "IPOT";  
ACCUSED-APPELLANT.**

*G.R. No. 258730, August 18, 2025*

Ponente: DIMAAMPAO, J.

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**DIMAAMPAO, J.:**

Assailed in this Appeal is the Decision[1] of the Court of Appeals (CA) in CA-G.R. CR-HC No. 09782 which affirmed the Decision[2] of the Regional Trial Court (RTC), convicting accused-appellant Reynaldo Suela y Illustre alias "Ipot" (Suela) of murder penalized under Article 248[3] of the Revised Penal Code albeit modifying the award for damages.

An Information[4] was filed before Branch 60 of the RTC, Makati City, indicting Suela for the crime of murder, the inculpatory averments of which read—

On the 3[rd] day of February 2014, in the city of Makati, [] Philippines, accused, conspiring and confederating with Juan Castro [y] Depoc @ Wawan, Romeo Sales[,] Jr. [y] Aguinaldo @ Boyet and unidentified male individual whose whereabouts were unknown, armed with firearm .38 cal. revolver, with treachery, evident premeditation and abuse of superior strength, did then and there willfully, unlawfully and feloniously and with intent to kill, shot one Bermindo Jose [y] de Gracia, thereby inflicting upon the latter, mortal wound which directly caused his death.

CONTRARY TO LAW.[5]

Upon arraignment, Suela pled not guilty to the crime charged.[6] After the pre-trial conference, trial on the merits ensued.

The prosecution presented the following narrative to prove the culpability of Suela:

At around 8:20 p.m of February 3, 2014, Jose De Guzman (De Guzman) was at his market stall along P. Victor Street, Barangay Guadalupe Nuevo, Makati City, when he observed two men acting suspiciously. One of them, who was subsequently identified as Suela, wore a black sweatshirt and black bull cap.[7] As it happened, the questionable behavior of these men also caught the eye of another vendor, Alberto Oserin (Oserin). Consequently, De Guzman, told Oserin, "Abet, tingnan-tingnan mo nga ang dalawang iyon ha, iba ang kilos." [8]

After several minutes, Suela and his unidentified companion approached Romeo Sales alias Boyet (Sales) and Juan Castro alias Wawan (Castro). After they spoke, Castro entered the UNIMEC Supermarket, while the rest of them walked along the side of the supermarket going towards the jeepney terminal exit. Incidentally, Bermindo Jose (Jose), the president of Highway 54 Pateros Drivers Association (HIPADA), was having a drink with Rene Robosa (Robosa) in the same area. Using his lips, Sales pointed Jose to the two men and immediately left the area. Afterwards, when Jose was about to board Robosa's motorcycle, Suela shot him in the back of his head.[9]

Meanwhile, Oserin who did not anymore continue to observe Suela and his companion after seeing them converse

with Sales, was surprised to hear the gunshot. Oserin then turned around and saw Jose slowly falling down from the motorcycle while Suela, who was armed with a gun, and his companion, were briskly walking towards the market.[10] Posthaste, Mark, one of Oserin's friends,[11] shouted, "Ayun! Ayun ang bumaril!"[12] Thus, Oserin joined the other people in chasing Suela. However, Suela fled after he pointed his gun at them.[13]

In the meantime, Robosa brought Jose to the Ospital ng Makati, where the latter was declared dead on arrival.[14] The cause of his death was a gunshot wound to the posterior neck.[15]

Thereafter, De Guzman and Oserin gave their respective statements before the police officers at the Makati Police Station where they were shown a closed-circuit television (CCTV) footage of Suela being chased by some men.[16]

At around 10:00 a.m. of February 18, 2014, Senior Police Officer I Jason David (SPO1 David) learned that Suela, who bore a striking resemblance to the man wearing the black sweatshirt and bull cap in the CCTV footage, was arrested by police officers from the Malabon City Police Station.[17] Thus, on even date, he went to the Malabon City Police Station together with De Guzman[18] and Oserin as well as Alvin Alvarez and Michael Batiancila who also ran after Suela.[19] When Suela was presented to them, they positively identified him as the same person involved in the shooting incident which resulted in the death of Jose.[20]

Asserting that he is innocent, Suela vehemently denied the charge against him.

He averred that he lived in Purok 6, Hernandez, Catmon, Malabon.[21] At around 6:00 p.m. of February 3, 2014, he and his wife were at the house of his wife's friend, Maricar O. Domingo (Domingo) in Malabon City. They had a drinking spree and stayed at Domingo's house until around 11:00 p.m.[22]

At around 5:30 p.m. of February 17, 2014, he noticed three men following him while he was walking towards his house. Suddenly, the men pointed their guns at him and one of them hit him with a gun, causing him to fall on the ground. The men, who turned out to be police officers, handcuffed him and brought him to the precinct.[23] When he asked the police officers why he was arrested, they replied, "Pasensya ka na [p]are, may umaarbor sa ulo mo." [24] When he was brought to the fiscal's office for inquest, he asserted that there was no truth to the accusation that he murdered someone.[25]

Domingo and Paolo V. Sigua (Sigua), Suela's brother-in-law, corroborated Suela's testimony.

Domingo declared that on February 3, 2014, she, Suela and his wife, as well as some of their friends, had an impromptu get together for her daughter's upcoming birthday. Thus, from 6:00 p.m. to 11:00 p.m. of said date, Suela and their friends, were at her house having a drinking spree.[26]

For his part, Sigua avowed that when he learned that the basis of the arrest of his brother-in-law was a CCTV footage, he immediately searched the subject video in YouTube particularly that of 24 Oras, a news program of Channel 7, and downloaded it on his computer.[27] In addition, he downloaded the mug shots of Suela from the Facebook account of Mr. Eduardo Trillana, the arresting officer of Malabon Police.[28] He pointed out that the person in the video and the one showed in the photographs were two different persons— one, the man in the video had no colloids or tattoo on his chest while the one in the picture has colloids as well as tattoo on his left arm and chest, and two, the man in the video has a well-built body and is 'tisoy' (a mestizo) while the one in the photo is not.[29]

In due course, the RTC rendered the August 1, 2017 Decision, finding Suela guilty beyond reasonable doubt of murder, thusly—

WHEREFORE, premises considered, this Court finds the accused REYNALDO SUELA [y] ILLUSTRE alias

"IPOT " GUILTY beyond reasonable doubt of the crime of Murder defined and penalized under Article 248 of the Revised Penal Code and in line with the mandate of Republic Act No. 9346, without aggravating and mitigating circumstances, hereby imposes the penalty of [Reclusion Perpetua].

Also, this Court hereby orders the said accused to PAY the surviving heirs of the victim the following:

- 1.) The sum of [PHP] 75,000.00 as civil indemnity ex-delicto;
- 2.) The sum of [PHP] 245,903.86 as actual damages;
- 3.) The sum of [PHP] 50,000.00 as moral damages, and
- 4.) The costs of this suit.

The said accused is hereby credited of his total duration of preventive imprisonment in the service of his imposed imprisonment.

SO ORDERED.[30] (Emphasis in the original)

Aggrieved, Suela filed an appeal before the CA. Still and all, finding no error on the part of the RTC in declaring Suela guilty of murder, the CA affirmed the foregoing Decision with modification anent the penalty in the February 21, 2020 Decision, viz.:

FOR THESE REASONS, the instant appeal is DISMISSED. The Decision dated 01 August 2017 rendered by the Regional Trial Court of Makati City, Branch 60 in Criminal Case No. 14-184 is AFFIRMED with MODIFICATIONS. Accused-Appellant Reynaldo Suela y Ilustre alias "Ipot" is found GUILTY beyond reasonable doubt of the crime of murder and shall suffer the penalty of reclusion perpetua and shall pay the heirs of Bermindo Jose y De Gracia Seventy-Five Thousand Pesos ([PHP] 75,000.00) as civil indemnity, Seventy-Five Thousand Pesos ([PHP] 75,000.00) as moral damages, Two Hundred Forty-Five Thousand Nine Hundred Three Pesos and Eighty-Six Centavos ([PHP] 245,903.86) as actual damages, and the costs of suit. The damages awarded in this case shall be subject to interest at six percent (6%) per annum from the finality of this Decision until fully paid.

SO ORDERED.[31] (Emphasis in the original)

Maintaining that the CA erred in affirming the RTC Decision, Suela comes to this Court via the present recourse intransigently asseverating that the prosecution failed to positively identify him as the malefactor of the crime, in view of the conflicting and incredible testimonies of the prosecution witnesses.[32]

The Appeal carries weight and conviction. The Court finds that the acquittal of Suela is in order.

First off, it bears stressing that the Court accords respect to the factual findings of the trial court as it is in a better position to evaluate the testimonial evidence. The rule finds an even more stringent application where the said findings are sustained by the CA.[33] This rule, however, is not absolute. Indeed, even on appeals from criminal convictions, the Court is not precluded from overturning the factual findings of the trial court when it has been established that the trial court overlooked, misunderstood, or misapplied some fact or circumstance of weight and substance,[34] as in this case.

It is settled that in assessing whether the accused-appellant's judgment of conviction should be upheld, the following must be considered: first, the identification of the accused as perpetrator of the crime and second, all the elements constituting the crime were duly proven by the prosecution to be present.[35]

Simply put, conviction requires no less than evidence sufficient to arrive at a moral certainty of guilt, not only with respect to the existence of a crime, but more importantly, of the identity of the accused as the author of the crime.[36] As elucidated by the Court—

Proving the identity of the accused as the malefactor is the prosecution's primary responsibility. Thus, in every

criminal prosecution, the identity of the offender, like the crime itself, must be established by proof beyond reasonable doubt. Indeed, the first duty of the prosecution is not to prove the crime but to prove the identity of the criminal, for even if the commission of the crime can be established, there can be no conviction without proof of the identity of the criminal beyond reasonable doubt.[37]

Undeniably, in this case, the crime of murder was committed. Lamentably, however, the prosecution failed to establish with moral certainty the identity of Suela as the author of the offense.

The Court elucidates.

To establish that Suela was the perpetrator of the crime, the prosecution relied heavily on the testimonies of De Guzman and Oserin. As it happened, they were brought by SPO1 David to the Malabon Police Station to identify Suela if indeed he was the one who killed Jose.

Was the foregoing out-of-court identification then of Suela by De Guzman and Oserin reliable?

On this score, the Court, in *Pagtakhan v. People*,<sup>[38]</sup> once again pronounced the factors to be considered in the totality of circumstances test which is relevant in out-of-court identification, thus—

In *Teehankee, Jr.*, the Court laid down the "totality-of-circumstances" test when it comes to determining the admissibility and weight of such identifications, to wit:

Out-of-court identification is conducted by the police in various ways. It is done thr[ough] show-ups where the suspect alone is brought face[-]to[-]face with the witness for identification. It is done th[rough] mug shots where photographs are shown to the witness to identify the suspect. It is also done thr[ough] line-ups where a witness identifies the suspect from a group of persons lined up for the purpose. Since corruption of out-of-court identification contaminates the integrity of in-court identification during the trial of the case, courts have fashioned out rules to assure its fairness and its compliance with the requirements of constitutional due process. In resolving the admissibility of and relying on [sic] out-of-court identification of suspects, courts have adopted the totality of circumstances test where they consider the following factors, viz.: (1) the witness' opportunity to view the criminal at the time of the crime; (2) the witness' degree of attention at that time; (3) the accuracy of any prior description given by the witness; (4) the level of certainty demonstrated by the witness at the identification; (5) the length of time between the crime and the identification; and (6) the suggestiveness of the identification procedure.<sup>[39]</sup> (Emphasis in the original)

Using the totality of circumstances test, the Court rules and so holds that the prosecution witnesses failed to identify Suela as the culprit with moral certainty.

First. The factor of prior description is lacking.

Patently, De Guzman did not give at all any prior description of Suela when he gave his statement before the police aside from the fact that he confirmed that the killer was wearing "black t-shirt [and] bull cap."<sup>[40]</sup> In his affidavit, De Guzman merely stated that the man in the CCTV footage was the one who killed Jose. This being so, De Guzman's testimony that he saw the face of the perpetrator and could never forget the same,<sup>[41]</sup> is dubious particularly in view of his assertion that he merely noticed the contour of the face, thus—

Q:

Do you have any distinctive mark that you noticed in the face of the gun man?

A:

Wala po akong nakita, mukha lang po talaga, yung bilog po ng mukha.<sup>[42]</sup>

Upon the other hand, Oserin himself declared that he did not see the "gunman shot [Jose]."<sup>[43]</sup> While he averred

that he knew that the man they were running after was the one who killed Jose, he admitted that he did not see his facial features, viz:

Q:

[M]r. Witness, you mentioned in your Judicial Affidavit, you described the person who you run after as having a big built, correct Mr. Witness?

A:

Opo.

Q:

But how about the facial features of the person, Mr. Witness. Why did you not describe it in your Affidavit?

A:

Nakasumbrero po kasi.

Q:

So you cannot ascertain with certainty the facial features of the gunman because he was wearing a bull cap, correct Mr. Witness?

A:

Opo.[44]

Quite palpably, Oserin certainly could not give any prior description. Upon this point, SPO1 David himself avowed:

Q:

Will I be correct to say that when you examined witness Alberto Oserin, did you not ask him [sic] about the physical attributes of the alleged shooter?

A:

Ma'am, they claim that they saw the physical attributes and when show to him the CCTV [sic], the CCTV ...(interrupted unfinished)

Q:

Would I be correct to say, Mr. Witness, that when I say physical attributes, you did not gather the particular height, the particular built or the particular weight of the alleged shooter?

A:

No, Ma'am.

Q:

So what you are saying right now, Mr. Witness, is that the footage which was shown to the witnesses was the CCTV in Guada[lupe] Mall, correct?

A:

Yes, Ma'am.

Q:

And what was seen or shown to the witnesses was a male person wearing black shirt with black bull cap being chased, is that correct?

A:

Yes, Ma'am.

Q:

And would I be correct that the perspective from which the camera was taken on the alleged person being chased was from the top, correct, Mr. Witness?

A:

Yes, Ma'am.

Q:

So would I be correct that you still failed to get the particular height, weight or the particular physical attributes of this person being chased?

A:

Yes, Ma'am.

Q:

So I would be correct to say, Mr. Witness, that when SPO2 Rene Baluyan told you that the person appearing on the CCTV in Guada Mall looks like the person on GMA news TV, you had no particular physical attributes to compare him to, correct, Mr. Witness?

A:

Yes, Ma'am.[45]

As there is an absence of the factor of prior description much less "accuracy of prior description," De Guzman and Oserin patently failed to convey any idea how the perpetrator looked like. Truly, said witnesses' validation that the person seen in the CCTV footage was the same person who killed Jose does not prove at all that Suela was the malefactor. In view of the absence of a previous description, a question is formed in the mind as to whether De Guzman and Oserin merely based such through the CCTV footage. In any case, given that the prosecution did not present the CCTV footage as evidence, it cannot properly rely on it to establish Suela's identity as the malefactor.

To stress, what guards against unjust conviction and imprisonment is the requirement that some form of identifying features and attributes of a crime's perpetrator must be given by a witness or complainant at the earliest opportunity to form a solid basis for subsequent identifications (both out-of-court and in-court) that may in turn lead to proper conviction and imprisonment.[46]

Second. The record evinces suggestiveness in the identification procedure.

To recall, SPO1 David and the abovenamed witnesses went to Malabon Police Station for the purpose of identifying the suspect who was arrested, i.e., Suela, who has a similarity with the man shown in the CCTV footage. According to De Guzman, there were two men who were presented.

Still and all, De Guzman's avouchals tellingly indicate how such presentation was impermissibly suggestive—

Q:

In your Salaysay, Mr. Witness, you identified my client when you were [invited] at the Police Station, correct, Mr. Witness?

A:

Opo.

Q:

Where exactly in that Police Station did you chance upon my client, Mr. Witness?

A:

Doon mismo sa istasyon ng pulis.

Q:

And I refer you now to the Question No. 5 and if I may quote, your [Honor], it says :’05. Tanong: May ipapakita akong tao sa iyo, ano ang masasabi mo dito?’ Who is talking, Mr. Witness?

A:

Si Jason David.

Q:

And he has with him, beside him the Accused, correct, Mr. Witness?

A:

Opo, hawak nila. Yung pulis taga Malabon at siya.

Q:

And you identified him as the gunman, correct, Mr. Witness?

A:

Opo.

Q:

My question now is, how many of them were lined up in your presence, Mr. Witness?

A:

Hindi ko na po masyadong matandaan pero dalawa lang silang pagpipilian.

Q:

Who is that other one, Mr. Witness?

A:

Hindi ko kilala.

Q:

But you told awhile ago that Inspector David was holding my client?

A:

Pati mga pulis dun sa Malabon.[47] (Emphasis supplied).

Indisputably, what occurred was, in effect, a show-up perceivably suggestive in nature.[48] As the Court edifyingly decreed—

In *People v. Baconguis*, the Court declared as invalid the out-of-court identification of therein accused-appellant, which was a show-up tainted with highly improper suggestion on the part of the arresting officers. Said the Court:

A show[-]up, such as what was undertaken by the police in the identification of appellant by Lydia, has been held to be an underhanded mode of identification for "being pointedly suggestive, generating confidence where there was none, activating visual imagination, and, all told, subverting their reliability as an eyewitness." Lydia knew that she was going to identify a suspect, whose name had priorly [sic] been furnished by her brother-policeman, when she went to the police station. And the police pointed appellant to her, and told her that he was the suspect, while he was behind bars, alone.

The unusual, coarse and highly singular method of identification, which revolts against accepted principles of scientific crime detection, alienates the esteem of every just man, and commands neither respect nor acceptance[.][49] (Emphasis in the original)

The question then comes down the pike — Did the prosecution witnesses truly recognize Suela as the one who killed Jose, or they merely identified said accused as "suggested" by the police officers since he looked like the one in the CCTV footage?

As there is dubiety on the identity of Suela, he must be exonerated as there is probability that someone else participated in the crime. This nagging and inescapable possibility that a different individual, other than the person charged, is the author of the crime escapes the moral certainty required to convict Suela of the crime of murder.[50]

A final note. In criminal cases, the overriding consideration is not whether the court doubts the innocence of the accused, but whether it entertains a reasonable doubt as to his or her guilt. If there exists even one iota of doubt, the Court is under a longstanding legal injunction to resolve the doubt in favor of the accused.[51]

ACCORDINGLY, the Appeal is GRANTED. The February 21, 2020 Decision of the Court of Appeals in CA-G.R. CR-HC No. 09782 is REVERSED and SET ASIDE. Reynaldo Suela y Ilustre alias "Ipot" is ACQUITTED for failure of the prosecution to prove his guilt beyond reasonable doubt. He is ORDERED IMMEDIATELY RELEASED from detention unless he is confined for any other lawful cause.

Let a copy of this Decision be furnished to the Director General of the Bureau of Corrections, Muntinlupa City, for immediate implementation. Furthermore, the Director General is DIRECTED to REPORT to this Court, within five days from receipt of this Decision, the action taken in compliance with this order.

Let entry of judgment be ISSUED IMMEDIATELY.

**SO ORDERED.**

Caguioa (Chairperson), Inting, and Gaerlan, JJ., concur.  
Singh,[\*] J., on leave.

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[\*] On leave.

[1] CA rollo, pp. 108-120. The Decision dated February 21, 2020 was penned by Associate Justice Elihu A. Ybañez with the concurrence of Associate Justices Rafael Antonio M. Santos and Tita Marilyn B. Payoyo-Villordon of the Thirteenth Division, Court of Appeals, Manila.

[2] RTC records, pp. 469-490. The Decision dated August 1, 2017 was penned by Presiding Judge Cesar L. Aganon of Branch 60, Regional Trial Court of Makati City.

[3] Article 248. Murder. — Any person who, not falling within the provisions of Article 246, shall kill another, shall be guilty of murder and shall be punished by reclusion perpetua, to death if committed with any of the following attendant circumstances:

- With treachery, taking advantage of superior strength, with the aid of armed men, or employing means to weaken the defense or of means or persons to insure or afford impunity;
- In consideration of a price, reward, or promise;
- By means of inundation, fire, poison, explosion, shipwreck, stranding of a vessel, derailment or assault upon a railroad, fall of an airship, by means of motor vehicles, or with the use of any other means involving great waste and ruin;
- On the occasion of any of the calamities enumerated in the preceding paragraph, or of an earthquake, eruption of a volcano, destructive cyclone, epidemic, or any other public calamity;
- With evident premeditation;
- With cruelty, by deliberately and inhumanly augmenting the suffering of the victim, or outraging or scoffing at his person or corpse.

[4] RTC records, p. 1.

[5] Id.

[6] Id. at 63. Order dated March 18, 2014.

[7] TSN, Jose De Guzman, May 22, 2014, pp. 4-5.

[8] RTC records, p. 21. Affidavit of Alberto Oserin dated February 6, 2014.

[9] Id. at 15-16. Affidavit of Jose De Guzman dated February 4, 2014.

[10] Id. at 22. Affidavit of Alberto Oserin dated February 6, 2014.

[11] TSN, Alberto Oserin, July 8, 2014, pp. 7-8.

[12] RTC records, p. 22. Affidavit of Alberto Oserin dated February 6, 2014.

[13] Id.

[14] Id. at 27. Affidavit of Rene Robosa dated February 13, 2014. See TSN, Rene Robosa, August 14, 2014, p. 2, where the prosecution and the defense stipulated on the contents of Robosa's Affidavit and agreed to dispense with his testimony.

[15] Id. at 367. Medico-Legal Report No. A14-122.

- [16] TSN, Jose De Guzman, May 22, 2014, pp. 11-12; TSN, Alberto Oserin, July 8, 2014, p. 9.
- [17] RTC records, p. 30. Joint Affidavit of Arrest.
- [18] Id. at 18. Affidavit of Jose De Guzman dated February 22, 2014.
- [19] TSN, SPO1 Jason David, January 27, 2015, p. 10. Alvin Alvarez and Michael Batiancila did not testify in court.
- [20] RTC records, p. 30. Joint Affidavit of Arrest.
- [21] TSN, Reynaldo Suela, November 8, 2016, p. 3.
- [22] TSN, Reynaldo Suela, November 22, 2016, pp. 4-5.
- [23] Id. at 6.
- [24] Id. at 7.
- [25] Id. at 7-8.
- [26] TSN, Maricar O. Domingo, August 27, 2015, pp. 6-9.
- [27] TSN, Paolo Sigua, September 22, 2015 but erroneously dated August 27, 2015, pp. 3-4; see also TSN, Paolo Sigua, February 18, 2016, p. 4.
- [28] TSN, Paolo Sigua, May 5, 2016, p. 7.
- [29] TSN, Paolo Sigua, February 18, 2016, pp. 8-9.
- [30] RTC records, pp. 489-490.
- [31] CA rollo, pp. 119-120.
- [32] Id. at 42. Brief for the Accused-Appellant. See also rollo, pp. 55-57. Manifestation filed by the accused-appellant stating that he would no longer file Supplemental Brief.
- [33] See *People of the Philippines v. Domingo*, 905 Phil. 378, 386-387 (2021) [Per J. Delos Santos, Third Division].
- [34] See *People of the Philippines v. Torres*, 908 Phil. 178, 184 (2021) [Per J. Caguioa, First Division].
- [35] Id. (Emphasis in the original)
- [36] *Pagtakhan v. People*, 951 Phil. 115, 137 (2024) [Per J. Gaerlan, Third Division].
- [37] Id. at 137-138.
- [38] 951 Phil. 115 (2024) [Per J. Gaerlan, Third Division].
- [39] Id. at 127-128.
- [40] RTC records, p. 16. Affidavit of Jose De Guzman dated February 4, 2014.
- [41] TSN, Jose De Guzman, May 22, 2014, p. 6.
- [42] Id.
- [43] TSN, Alberto Oserin, July 8, 2014, p. 6.

[44] Id. at 8.

[45] TSN, SPOI Jason David, January 27, 2015, pp. 7- 8.

[46] See *Pagtakhan v. People*, 951 Phil. 115, 1387 (2024) [Per J. Gaerlan, Third Division].

[47] TSN, Jose De Guzman, May 29, 2014, pp. 10-11.

[48] See *People of the Philippines v. Jimenez*, 948 Phil. 510, 521 (2023) [Per J. Zalameda, First Division].

[49] See *Pagtakhan v. People*, G.R. No. 257702 (February 7, 2024) [Per J. Gaerlan, Third Division] at 13-14. This pinpoint citation refers to the copy of the Decision uploaded to the Supreme Court website.

[50] See *People of the Philippines v. Maglinas*, 928 Phil. 62, 84 (2022) [Per C. J. Gesmundo, First Division]. (Emphasis supplied)

[51] Id. at 84.

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