

PEOPLE OF THE PHILIPPINES, PLAINTIFF-APPELLEE, VS. NOLI ENCABO AND ANSELMO BACALLA, ACCUSED-APPELLANTS.

G.R. No. 274734, November 18, 2025

Ponente: LOPEZ, J.

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LOPEZ, J.:

This Court resolves the Appeal[1] filed by Noli Encabo (Encabo) and Anselmo Bacalla (Bacalla), seeking to reverse and set aside the Decision[2] of the Court of Appeals (CA), which affirmed with modification the Decision[3] of the Regional Trial Court (RTC) that found them guilty of murder.

Encabo and Bacalla were charged in an Information, which reads:

That on the 2[nd] day of October 2005, at around 2:00 [a.m.], more or less at Sitio Lawis, Langtad, Naga, Cebu, Philippines, the above-named accused, conspiring, confederating and mutually helping with one another, with intent to kill by means of force, violence, treachery, and with aid of armed men, and with aggravating circumstances that it was committed during nighttime, in an uninhabited place and with ignominy causing disgrace or cruelty on the body of the victim, did then and there, willfully, unlawfully and feloniously attack, assault and stab with their knives Glourence Glaiza Tapia several times, hitting the latter fatally on the different parts of her body thereby inflicting upon her injuries which caused her instantaneous death, and thereafter having carnal knowledge with her.

CONTRARY TO LAW.[4]

On arraignment, Encabo and Bacalla pleaded not guilty. Pre-trial and trial then ensued.[5]

The prosecution presented the following witnesses: Rosauro Pelimer (Pelimer), Joyme Abaquita, Police Superintendent Alex R. Uy (PSUPT Uy), Julieta Tapia, Senior Police Officer 1 Ronolo Manolong, and Police Officer 1 Joseph Bucayan.[6]

The prosecution narrated that at around 2:00 a.m. on October 2, 2005, Pelimer was on his way home from a disco, along with Roel Uyos (Uyos). They stopped by a portion of the road in Sitio Lawis, Mohon, Langtad, where there were plenty of banana plants, to urinate.[7]

While he was on the road, Pelimer noticed Encabo, Bacalla, and Glenn Escabas (Escabas) pass by. Less than a minute later, Pelimer heard somebody shout, "Aray! Tabang!" (Ouch, please help!). When Pelimer scanned the area where the scream came from, he saw the victim, Glourence Glaiza Tapia (Tapia), being chased by Encabo, Bacalla, and Escabas. When the men caught up with Tapia, Bacalla grabbed her and held her using his right hand, while his left hand was on her neck. While Bacalla was holding Tapia, Encabo and Escabas took turns stabbing her stomach for about 10 to 15 seconds. Afterward, Tapia fell on the ground, face down. Encabo, Bacalla, and Escabas then carried Tapia, while Pelimer hurriedly went home.[8]

At around 12:00 p.m. on the same day, Tapia was found dead. She was found lying down with her shirt rolled up, shorts unzipped, and underwear reversed.[9]

Based on the autopsy report,[10] Tapia's death was caused by acute hemorrhagic shock secondary to multiple stab wounds on the body. PSUPT Uy also found 21 stab wounds of different sizes and depths on Tapia's body, which, according to him, could have been caused by stabbing her with several sharp-edged instruments held by different persons.[11]

The defense presented Encabo find Bacalla, along with Lorna Santos, a DNA Analyst of the Philippine National Police Crime Laboratory, and Cecilio Costanos[12] (Costanos).[13]

According to the defense, at around 10:00 p.m. on October 1, 2005, Bacalla arrived at the disco located at Sitio Mohon, Barangay Langtad, Naga City, Cebu. He was with Costanos and Erning Cantal. At around 3:00 a.m. the next day, Tapia's cousin, Leon Tapia, went to the disco asking for help since a person had been killed. Bacalla did not pay attention since he was still drinking with his friends. He left the disco at around 5:00 a.m. on the same day.[14]

While Bacalla was in Surigao for work, he learned from his neighbor that he was being implicated in the killing of Tapia. Bacalla then talked to the victim's family to clear his name and explained to them that he was not subjected to a DNA examination. Afterward, while he was looking for a job in La Union, his brother received a subpoena pertaining to the present case. Bacalla then went back to Talisay, Cebu City, where he was arrested on January 16, 2006.[15]

Encabo claimed that he was at his rented house, preparing dinner for his family on October 1, 2005 at around 8:00 p.m. At 11:00 p.m., he and his common-law partner went to bed and slept until 5:30 a.m. the next day. At 2:00 p.m., Encabo heard from bystanders that a dead body had been found. He then proceeded to the area.[16]

Encabo later learned that he was one of the suspects in the killing of Tapia when he was invited by the barangay captain for DNA testing. Encabo was arrested in Ormoc City on April 18, 2007.[17]

Later, Pelimer informed the RTC that Escabas committed suicide after the incident, and before the authorities could arrest him.[18]

In its Decision,[19] the RTC found Encabo and Bacalla guilty of murder. The dispositive portion of the Decision reads:

WHEREFORE, premises considered, the Court finds the accused NOLIE [sic] ENCABO and ANSELMO BACALLA, GUILTY beyond reasonable doubt of the crime of MURDER, defined and penalized under Article 248 of the Revised Penal Code, with the qualifying circumstance of treachery and hereby sentences each of them to an imprisonment of Reclusion Perpetua.

Both accused shall be credited in the service of their sentence with the full time during which they have undergone preventive imprisonment, under the conditions set out in Article 29 of the Revised Penal Code.

The Court directs both accused to pay, jointly and severally, the following:1) [PHP] 75,000.00 as civil indemnity;

2) [PHP] 50,000.00 as moral damages;

3) [PHP] 30,000.00 as exemplary damages; and

4) To pay the costs.

SO ORDERED.[20] (Emphasis in the original)

The RTC held that the prosecution sufficiently proved all the elements of the crimes charged. It gave credence to the testimony of Pelimer, which it found categorical and straightforward, and not suffering from any serious and

material inconsistency. The RTC ruled that the testimony of Pelimer was corroborated by the autopsy report, under which the cause of death was multiple stab wounds. Meanwhile, the RTC dismissed the unsubstantiated defense of alibi of Encabo and Bacalla.[21]

The RTC found that based on the testimony of Pelimer, the identity of Encabo and Bacalla as the assailants of Tapia, and how they killed her, was sufficiently established. It also found that the killing was attended by treachery since the execution of the killing left the victim with no opportunity to defend herself or retaliate. On this note, the RTC ruled that the circumstances of nighttime and in aid of armed persons were necessarily included in treachery, while the circumstances of an uninhabited place and cruelty were not sufficiently proved by the prosecution.[22]

Finally, the RTC held that Encabo and Bacalla acted in conspiracy since it was shown that they had acted in concert to achieve a common purpose of killing Tapia.[23]

Encabo and Bacalla appealed to the CA.

In their Appellants' Brief,[24] Encabo and Bacalla argued that the RTC erred in giving credence to Pelimer's testimony. They averred that Pelimer's testimony was marred with inconsistencies and is not in accord with human knowledge and experience. Encabo and Bacalla pointed out to the following inconsistencies in Pelimer's statements: (1) Pelimer testified that when he saw the assailants pass by, he was already alone and that Uyos had already left him, but during cross-examination, Pelimer said that he was still with Uyos when they saw them; (2) Pelimer initially said that three minutes had lapsed from the time the supposed assailants passed by until he heard someone shouting for help, but when he was cross-examined, he changed his assertion and claimed it was only less than a minute after that he heard Tapia shout; and (3) Pelimer testified that Encabo and Escabas took turns in stabbing the victim, but he later claimed that it was only Encabo who had the knife and Escabas was merely mauling the victim.[25]

Encabo and Bacalla also argued that Pelimer's testimony that he merely went straight home after witnessing the incident, rather than immediately and directly reporting it, is contrary to human behavior and experience, making his testimony suspicious and doubtful.[26]

Finally, Encabo and Bacalla contended that the RTC erred in appreciating the qualifying circumstance of treachery. They argued that the prosecution failed to show that the means employed to attack the victim were deliberately and consciously adopted.[27]

In its Brief for the Plaintiff-Appellee,[28] the Office of the Solicitor General (OSG) countered that the RTC was correct in giving credence to and weight to the testimonies of prosecution witnesses. It averred that the purported inconsistencies in Pelimer's testimony are not material and did not diminish his credibility. The OSG further contended that Pelimer's behavior after witnessing the crime does not render his testimony incredible. It argued that people who are confronted with a shocking and unexpected event may have different reactions, and a seemingly unnatural reaction does not necessarily erode one's credibility.[29]

In its appellee's brief, the OSG also averred that the RTC properly appreciated the qualifying circumstance of treachery since it was established that Encabo and Bacalla, along with Escabas, restrained Tapia, an unarmed woman, effectively rendering her defenseless and unable to repel, much less to repel, much less evade, the assault effectively. It argued that there is treachery when the accused adopts means and methods that directly ensured the accomplishment of their objective.[30]

In its Decision,[31] the CA affirmed the ruling of the RTC with modification:

WHEREFORE, premises considered, the appeal is DENIED. Accordingly, the Decision dated January 12,

2016, of the Regional Trial Court, Seventh Judicial Region, Branch 10, Cebu City, in Criminal Case No. CBU-75796, is hereby AFFIRMED WITH MODIFICATION.

Appellants Noli Encabo and Anselmo Bacalla are found GUILTY beyond reasonable doubt of the crime of Murder, as defined under Article 248 of the Revised Penal Code. As such, they are each sentenced to suffer the penalty of reclusion perpetua. Appellants Noli Encabo and Anselmo Bacalla are ordered to pay, jointly and severally, [PHP] 75,000.00 as civil indemnity, [PHP] 75,000.00 as moral damages, and [PHP] 75,000.00 as exemplary damages. These amounts shall earn six percent (6%) per annum from finality of this judgment until fully paid.

SO ORDERED.[32] (Emphasis in the original)

The CA agreed with the RTC's assessment of Pelimer's credibility. It also concurred with the RTC's finding that the autopsy report-corroborated the testimony of Pelimer. As with the RTC, the CA further held that the inconsistencies in Pelimer's statements are minor and immaterial and did not affect his credibility.[33]

The CA also agreed with the RTC that Encabo and Bacalla conspired to commit the crime, and that the prosecution sufficiently established the qualifying circumstance of treachery.[34]

Nevertheless, the CA modified the RTC's award of damages to PHP 75,000.00 each for civil indemnity, moral damages, and exemplary damages, citing *People v. Jugueta*. [35]

Hence, Encabo and Bacalla filed the present appeal.

In compliance with this Court's Resolution,[36] Encabo, Bacalla, and the OSG manifested that they were adopting their respective Briefs filed before the CA in lieu of supplemental briefs.[37]

Subsequently, Corrections Senior Inspector Raymund DL Peneyra, Chief of Persons Deprived of Liberty Documents and Processing Division of the Bureau of Corrections, informed this Court in a letter[38] that Bacalla died on January 20, 2024 at the Leyte Regional Prison Infirmary, Abuyog, Leyte. The death of Bacalla was evidenced by a certified true copy of his Certificate of Death[39] submitted by the Philippine Statistics Authority in compliance with this Court's Resolution.[40]

Thus, this Court dismissed Bacalla's criminal liability by reason of his death and declared the case closed and terminated insofar as he is concerned.[41] The dismissal of the case against him has become final and executory on June 30, 2025, as evidenced by the Entry of Judgment[42] issued on the same day.

Issue

The sole issue for this Court to resolve is whether the guilt of accused-appellant Noli Encabo for murder should be affirmed.

This Court's Ruling

The appeal is without merit.

For the successful prosecution of the crime of murder under Article 248 of the Revised Penal Code, the following elements must be established: (1) a person was killed; (2) the accused killed him or her; (3) the killing was attended by any of the qualifying circumstances mentioned in Article 248 of the Revised Penal Code; and (4) the killing does not amount to parricide or infanticide.[43]

In this case, the prosecution has clearly established that: (1) Tapia was stabbed multiple times and found lifeless by the police at the crime scene; (2) it was accused-appellants who killed her; (3) Tapia's killing was attended by the circumstance of treachery; and (4) the killing of Tapia was neither parricide nor infanticide.

In finding the presence of all the elements of murder, the CA and the RTC relied heavily on Pelimer's credible and straightforward testimony. On this note, it is settled that:

[F]indings of the trial court on the credibility of witnesses deserve great weight, as the trial judge is in the best position to assess the credibility of the witnesses, and has the unique opportunity to observe the witness firsthand and note [their] demeanor, conduct[,] and attitude under grueling examination. Absent any showing that the trial court's findings of facts were tainted with arbitrariness or that it overlooked or misapplied some facts or circumstances of significance and value, or its calibration of credibility was flawed, the appellate court is bound by its assessment.[44] (Citation omitted)

We find no cogent reason to deviate from the findings of the CA and the RTC. Contrary to the insistence of accused-appellants, the supposed inconsistencies in the testimony of Pelimer refer only to minor or collateral details that do not affect the substance, veracity, or weight of the testimony, but in fact show candor and truthfulness.[45] In any event, the testimony of Pelimer was corroborated by the autopsy report and the testimony of PSUPT Uy to the effect that Tapia died due to multiple stab wounds, which may have been inflicted using weapons of different sizes, held by more than one person.

Even the alleged unnatural reaction of Pelimer to the crime, i.e., going home directly and not immediately reporting the killing incident, does not detract from his credibility. This Court already declared that "there could be no hard and fast gauge for measuring a person's reaction or behavior when confronted with a startling, not to mention horrifying, occurrence,"[46] as in this case. Further:

Witnesses of startling occurrences react differently depending upon their situation and state of mind, and there is no standard form of human behavioral response when one is confronted with a strange, startling[,] or frightful experience. The workings of the human mind placed under emotional stress are unpredictable, and people react differently to shocking stimulus—some may shout, some may faint, and others may be plunged into insensibility.[47]

The settled rule is that "[w]here the prosecution eyewitness was familiar with the accused, where the locus criminis afforded good visibility and where no improper motive can be attributed to the witness for testifying against the accused[,] "[48] as in this case, the witness's recollection of the incident prevails and deserves weight and credence over alibi and denial.[49]

In *People v. Soler*,[50] this Court emphasized that for a qualifying circumstance of treachery to be appreciated, the aggravating and qualifying circumstances must be properly alleged in the Information. This requires that facts constituting the aggravating or qualifying circumstance, such as treachery, should be specifically alleged and described in the Information. It is not sufficient to just mention the technical term used by the statute; the ultimate facts relative to such circumstances should also be specifically stated. Otherwise, the Information may be subject to a motion to quash under Rule 117, Section 3 of the Rules of Court, or of a motion for a bill of particulars. Nevertheless, the "failure of the accused to avail any of the said remedies constitutes a waiver of [their] right to question the defective statement of the aggravating or qualifying circumstance in the Information, and consequently, the same may be appreciated against [them] if proven during trial." [51]

Here, the Information against accused-appellants only alleged the circumstances of treachery, with the aid of armed men, at nighttime, an uninhabited place, ignominy, and cruelty, without any specific factual averments relative to the said circumstances. However, the records do not show that accused-appellants availed themselves of any remedy against the insufficiency of the allegations in the Information, hence, their right to question this insufficiency is deemed waived.

On this note, the CA and the RTC correctly determined that the circumstance of treachery qualified the killing as

murder in this case.

Treachery requires the concurrence of two elements: (1) the employment of means, methods, or manner of execution which would ensure the offender's safety from any defense or retaliatory act on the part of the offended party; and (2) such means, method, or manner of execution was deliberately or consciously chosen by the offender.[52] It is settled that "[t]he essence of treachery is the sudden and unexpected attack by the aggressor on the unsuspecting victims, depriving the latter of any real chance to defend themselves, thereby ensuring its commission without risk to the aggressor, and without the slightest provocation on the part of the victims." [53]

Relatedly, this Court said in *People v. Escote*[54] that "treachery may also be appreciated even if the victim was warned of the danger to [their] life where [they] were defenseless and unable to flee at the time of the infliction of the coup de grace." [55] In that case, We said there was treachery since the victim was disarmed and was shot six times in different parts of the body until he fell, even as he pleaded for life. This Court highlighted that the victim was shot when he was defenseless and at close range, thereby ensuring his death.[56]

Similarly, in this case, Pelimer testified that he saw Tapia running away from accused-appellants until she was eventually taken over by them and was restrained. Then, accused-appellant Bacalla held her, while accused-appellants Encabo and Escabas took turns in stabbing her until she felt lifeless. Hence, while Tapia knew the impending harm to herself, she was ultimately defenseless and was unable to flee during the course of the attack, allowing the accused-appellants to ensure her death. Therefore, treachery is present in this case.

The RTC correctly ruled that since treachery qualified the crime to murder, the circumstances of nighttime and in aid of armed persons are absorbed in treachery.[57] It is settled that nighttime may be appreciated only as a separate generic aggravating circumstance if it was purposely sought and founded on a different factual basis,[58] which, however, was not the case here. Meanwhile, the RTC correctly found that the prosecution failed to present evidence to prove the other aggravating circumstances of uninhabited place, ignominy, and cruelty.

Finally, the conspiracy between accused-appellants was established.

In *People v. Pilpa*: [59]

There is a conspiracy if, at the time of the commission of the offense, the acts of two or more accused show that they were animated by the same criminal purpose and were united in their execution, or where the acts of the malefactors indicate a concurrence of sentiments, a joint purpose, and a concerted action.[60] (Citation omitted)

In this case, the acts of accused-appellants during the commission of the crime clearly show that the exact purpose of killing Tapia roused them. It was established that while accused-appellant Bacalla was holding and restraining Tapia, accused-appellants Encabo and Escabas took turns in stabbing her until she died. Indeed, it does not matter that they each had a different participation in the killing of Tapia. In *People v. Dollendo*: [61]

To be a conspirator, one need not participate in every detail of the execution; [they] need not even take part in every act[...] Each conspirator may be assigned separate and different tasks which may appear unrelated to one another but, in fact, constitute a whole collective effort to achieve their common criminal objective. Once conspiracy is shown, the act of one is the act of all the conspirators. The precise extent or modality of participation of each of them becomes secondary, since all the conspirators are principals.[62] (Citation omitted)

All told, this Court finds no reason to disturb the rulings of the CA and the RTC as to accused-appellant Encabo, as they properly convicted him of the crime of murder. Accordingly, this Court affirms the CA's imposition of the penalty of reclusion perpetua on accused-appellant Encabo in accordance with Article 248 of the Revised Penal

Code, in line with *People v. Jugueta*.^[63] Moreover, this Court affirms the CA's award of PHP 75,000.00 as civil indemnity, PHP 75,000.00 as moral damages, and PHP 75,000.00 as exemplary damages. All monetary awards shall bear interest of 6% per annum reckoned from the finality of this Decision until full payment.^[64]

ACCORDINGLY, the appeal is DISMISSED. The December 15, 2023 Decision of the Court of Appeals in CA-G.R. CR-HC No. 04344 is AFFIRMED. Accused-appellant Noli Encabo is GUILTY of murder. He is SENTENCED to suffer the penalty of reclusion perpetua and is ORDERED to PAY the heirs of Glourence Glaiza Tapia the amounts of PHP 75,000.00 as civil indemnity, PHP 75,000.00 as moral damages, and PHP 75,000.00 as exemplary damages, plus interest of 6% per annum reckoned from the finality of this Decision until full payment.

SO ORDERED.

Leonen, SAJ. (Chairperson), Lazaro-Javier, Kho, Jr., and Villanueva, JJ., concur.

[*] Also referred to as "Nolie Encabo" in some parts of the rollo.

[1] Rollo, pp. 5-6.

[2] Id. at 12-27. The December 15, 2023 Decision in CA-G.R. CR-HC No. 04344 was penned by Associate Justice Ronald Suva Tolentino and concurred in by Associate Justices Pamela Ann Abella Maxino and Nancy C. Rivas-Palmones of the Eighteenth Division, Court of Appeals, Cebu City.

[3] Id. at 30-46. The January 12, 2016 Decision in Criminal Case No. CBU-75796 was penned by Judge Soliver C. Peras of Branch 10, Regional Trial Court, Cebu City.

[4] Id. at 30.

[5] Id. at 14.

[6] Id.

[7] Id. at 15.

[8] Id.

[9] Id.

[10] RTC records, pp. 29-31.

[11] TSN, PSUPT Alex R. Uy, April 22, 2009, pp. 6-7.

[12] Also referred to as "Cecilio Costaños" and "Cecilo Costaños" in some parts of the rollo.

[13] Rollo, p. 15.

[14] Id.

[15] Id. at 16.

[16] Id.

[17] Id.

[18] TSN, Rosauo Pelimer, July 20, 2006, p. 7.

[19] Rollo, pp. 30-46.

- [20] Id. at 45-46.
- [21] Id. at 37-43.
- [22] Id. at 44.
- [23] Id. at 44-45.
- [24] CA rollo, pp. 34-62.
- [25] Id. at 48-55.
- [26] Id. at 55-57.
- [27] Id. at 60.
- [28] Id. at 91-109.
- [29] Id. at 97-103.
- [30] Id. at 104.
- [31] Rollo, pp. 12-27.
- [32] Id. at 26.
- [33] Id. at 22-23.
- [34] Id. at 24-25.
- [35] Id. at 25-26.
- [36] Id. at 47-48.
- [37] Id. at 56-60; 50-55.
- [38] Id. at 49.
- [39] Id. at 65.
- [40] Id. at 61-62.
- [41] Id. at 68-69.
- [42] Id. at 72.
- [43] *People v. Albino*, 857 Phil. 335, 342 (2019) [Per J. Lazario-Javier, Second Division]. (Citation omitted)
- [44] *People v. Prado*, 792 Phil. 827, 834 (2016) [Per J. Perez, Third Division].
- [45] *People v. Asuela*, 653 Phil. 386, 390 (2010) [Per J. Carpio-Morales, Third Division]. (Citation omitted)
- [46] *People v. Bañez*, 770 Phil. 40, 46 (2015) [Per J. Peralta, Third Division].
- [47] Id., citing *People v. Malibiran*, 604 Phil. 556, 581 (2009) [Per J. Austria-Martinez, Third Division].
- [48] *People v. Verona*, 854 Phil. 422, 435 (2019) [Per J. Carpio, Second Division].
- [49] Id. (Citation omitted)
- [50] 858 Phil. 884 (2019) [Per J. Caguioa, En Banc].

[51] Id. at 931.

[52] *People v. Bendecio*, 882 Phil. 649, 660 (2020) [Per J. Lazario-Javier, Third Division]. (Citations omitted)

[53] *People v. Bugarin*, 807 Phil. 588, 599 (2017) [Per J. Peralta, Second Division]. (Citation omitted)

[54] 448 Phil. 748 (2003) [Per J. Callejo, Sr., En Banc]. (Citation omitted)

[55] Id. at 786.

[56] Id. at 786-787.

[57] See *People v. Natindim*, 889 Phil. 18, 44-45 (2020) [Per J. Hernando, Third Division].

[58] Id. at 45. (Citation omitted)

[59] 839 Phil. 1011, 1019-1020 (2018) [Per J. Caguioa, Second Division].

[60] Id. at 1019-1020.

[61] 679 Phil. 338 (2012) [Per J. Perez, Second Division].

[62] Id. at 349 (2012) [Per J. Perez, Second Division].

[63] 783 Phil. 806 (2016) [Per J. Peralta, En Banc].

[64] *Nacar v. Gallery v. Frames*, 716 Phil. 267 (2013) [Per J. Peralta, En Banc].

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