

PEOPLE OF THE PHILIPPINES, PLAINTIFF-APPELLEE, VS. ESRAEL AMONDINA, AQUILLO CATAYTAY AND ROMULO AMANTILLO, ACCUSED-APPELLANTS.*G.R. No. 75295. March 17, 1993*

Ponente: CRUZ, J.

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The decision of the trial court is exceedingly long, without any effort to trim the fat and keep it lean. Judges are not stenographers transcribing the testimony of the witnesses word for word. Judges must know how to synthesize, to summarize, to simplify. Their failure to do so is one of the main reasons for the delay in the administration of justice. It also explains the despair of the public over the foot-dragging of many courts and their inability to get to the point and to get there fast.

The 17-page single-spaced decision of the Regional Trial Court of Negros Oriental convicted Esrael Amondina, Aquillo Cataytay and Romulo Amantillo of the murder of Floro Gantalao and sentenced them to reclusion perpetua and a civil indemnity of P30,000.00.[1] It is now on appeal, but not because of its inordinate verbosity although this is a valid ground for distress. The claim is that a proper appreciation of the evidence, especially of the defense, should have led the trial judge to a verdict of acquittal.

The killing occurred at twilight of February 23, 1984, at the townsite of Poblacion, Mabinay, Negros Oriental.

According to Francisco Tangon, he was pasturing his carabao at the time and from where he was he saw the three accused sitting on the side of the road some 36 feet away. He recognized all of them because he had known Amondina since 1969 and Cataytay and Amantillo were his neighbors. When Floro Gantalao arrived, the three men immediately and suddenly attacked him. Amondina swung a pestle at Floro and hit him in the left jaw, sending him sprawling to the ground. Cataytay followed suit by hacking Floro with a long bolo that bloodied and fractured the defenseless man's head. Amantillo then struck Floro in the nape with a piece of wood around 2 feet long as the latter lay wounded and helpless. The three men then fled, as so did Tangon who ran in the opposite direction toward his house. But not before he had drawn their attention and was recognized.[2]

Tangon said that later that same night, Amondina came to his house and warned him not to tell anyone about the incident, otherwise he would be killed. Nevertheless, when he woke up at 4:00 o'clock the following morning, he reported the matter to the police, and he and four other men went to the scene of the crime at 5:00 a.m. to retrieve Floro's body. There were already two policemen at the scene, namely, Jessie Mission and Jomie Moreno. Tangon testified that he secretly told Moreno what he had witnessed the night before.[3]

The victims wife, Manolita Gantalao, declared on the stand that on February 23, 1984, at around 6:00 p.m., she went to the Namangyan river to get their carabao and on her way home, espied the three accused. Upon seeing her, they seemed frightened and started running toward the "hagonoy" bushes. When she reached home, she waited for her husband who was supposed to return early because he was going to work as a watchman at the NAPOCOR tower. It was later that night that his lifeless body was found by a search party composed of relatives

near the road in the "hagonoy" bushes, where she had earlier seen the three accused.[4]

Jomie Moreno, the policeman who investigated the killing in the early morning of February 24, 1984, said that Francisco Tangon approached him then and said that the killers of Gantalao were Amondina, Cataytay and Amantillo. Moreno added that having been informed that somebody had seen drops of blood on the steps of the uninhabited house of Eleuterio Acosta, he proceeded to that place and found a pestle with stains of blood, small stones and "hagonoy" grass sticking to it. Moreno went next to the house of Aquillo Cataytay, whose wife allowed him to take a pair of blood-stained pants hanging on a window beam and one long bolo ("pinuti") which had blood on its handle and on the point of the blade. Finally, at the house of Romulo Amantillo, to which he was also admitted, Moreno recovered a 14-inch machete with blood stains on its handle.[5]

The injuries sustained by the victim, as reported by Dr. Herminio Garcia,[6] who conducted the autopsy, were consistent with the narration by Tangon of the attack upon Gantalao by the three accused with their respective weapons.

The common defense of the three accused was denial and alibi. Cataytay claimed that on February 23, 1984, he worked on his farm in Barangay Namangka and went home at around 5:00 p.m., staying there until the next morning. He was alone because his wife was in Bindoy with her mother.[7] Amondina testified that on that same date he too worked on his farm, which is 1 kilometer from Cataytay's place and 50 yards from the Namangyan river, and went home at 5:00 p.m. to his wife and children. He woke up at 4 o'clock the following morning.[8] Amantillo swore that on February 23, 1984, he was working on his farm, which is 1/2 kilometer from Cataytay's farm and 100 meters from the Namangyan river, until 5:00 p.m., when he went back to his house, staying there until 5:00 o'clock the following morning with his wife and 7-month old child.[9]

The appellants' brief stresses the inconsistency of the trial court in convicting the accused after casting much doubt on the prosecution witnesses in its order dated October 10, 1984.[10] In that order, the trial judge granted bail on the finding that the evidence of their guilt was not strong.

The Solicitor General correctly observed:

The resolution of a petition for bail is not based on the entirety of the evidence presented during the trial on the merits. The trial court's initial finding that the evidence of guilt is not strong cannot be treated as an irrevocable finding of reasonable doubt thereby ensuring an inevitable acquittal. Otherwise, the merits of a criminal case will be resolved entirely in the bail hearing thereby dispensing of the need to proceed any further.[11]

As for the alleged contradictions of Tangon and Moreno, we find that they are not of such consequence as to impair the veracity of their testimonies in their entirety. Moreover, we have held that contradictions in the testimony of a witness, instead of suggesting prevarication, may in fact indicate veracity and bolster the probative value of such testimony as a whole.[12] The separate testimonies of witnesses are not required to mesh with perfect congruence.

Motive is essential only when there is doubt as to the identity of the assailant, but not when the accused has been positively identified, as in the case before us. It is worth noting that, according to the victim's wife, there had earlier been a heated argument between Floro and Amondina over the sharing of a harvest. Her husband had suspected Cataytay of stealing his chickens. Amantillo, on the other hand, is the uncle of Cataytay. These might have been the reasons for the resentment of the accused against Floro, and their ganging up on him that night.

We fully agree with the following observation of the Solicitor General in calling for the affirmation of the challenged judgment:

The case for the prosecution could not have been any stronger than if the deceased himself testified. The

prosecution presented an impartial eyewitness who saw and described with detail the killing of the deceased. It presented the investigating officer whose investigation yielded physical and testimonial evidence that corroborated the eyewitness account. It presented the widow of the deceased whose testimony corroborated that of the eyewitness and provided factual basis for inferring plausible motives. The fact that she is the widow of the victim does not ipso facto make her a biased witness. (*People v. Urgel*, 134 SCRA 483) The results of the examination conducted by the investigating medico-legal physician supports the version of the eyewitness as to the manner with which the victim was killed. The evidence adduced by the prosecution satisfies the standard of moral certainty for conviction in criminal cases.[13]

We also approve the finding of a conspiracy among the three accused based on the concert of their acts obviously aimed at the common purpose of killing Floro. As conspirators, they are all equally liable for the victim's death, whoever of them actually dealt the lethal blow.

The killing was qualified by treachery because of the sudden and consecutive attacks made by the three accused which were calculated to insure its execution without risk to them arising from the defense the victim might make. Treachery absorbs the circumstances of superior strength and aid of armed men,[14] which should not have been separately considered by the trial court.

Scoffing at the corpse has not been proved. There is no showing that the victim was already dead when Amantillo struck him with the piece of wood after the attack by Amondina and Cataytay. This conclusion is not supported by the autopsy report or the testimonies of the other prosecution witnesses.

Evident premeditation is likewise not present in this case because it has not been shown that the three accused purposely waited for the deceased in order to kill him. The prosecution has not established the elements of evident premeditation, to wit, (1) the time when the offender determined to commit the offense; (2) an act manifestly indicating that the culprit had clung to his determination; and (3) a sufficient interval of time between that determination and the execution of the offense.[15]

We are satisfied that the guilt of the accused-appellants in the murder of Floro Gantilao has been proved beyond reasonable doubt and that they are justly punished with reclusion perpetua and all its accessory penalties. However, we shall increase the civil indemnity, for which all three accused-appellants are solidarily liable, to P50,000.00.

WHEREFORE, the appeal is DISMISSED and the judgment of the trial court as above modified is AFFIRMED, with costs against the accused-appellants. It is so ordered.

SO ORDERED.

Griño-Aquino, Bellosillo, and Quiason, JJ., concur.

[1] Through Judge German G. Lee; Rollo, pp. 17-33.

[2] TSN, July 31, 1984, pp. 4-8, 42, 50.

[3] Ibid., pp. 11-12, 31-34.

[4] TSN, September 13, 1984, pp. 4-6, 9-11, 36, 38.

[5] TSN, January 22, 1985, pp. 5-8, 11-17, 20, 28, 29.

[6] Exhibit B, Record, pp. 7-8.

[7] TSN, October 8, 1985, pp. 5-6.

[8] Ibid., p. 36; TSN, November 26, 1985, pp. 16-17.

[9] TSN, December, 3, 1985, pp. 4, 26.

[10] Rollo, p. 121.

[11] Ibid., p. 152.

[12] Ebajan vs. Court of Appeals, 170 SCRA 178.

[13] Rollo, p. 175.

[14] People vs. Mori, 55 SCRA 382; People vs. Sespeñe, 102 Phil. 199; People vs. Domingo. 18 Phil. 250.

[15] People vs. Balansi, 187 SCRA 566.

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