

**THE PEOPLE OF THE PHILIPPINES, PLAINTIFF-APPELLEE, VS.
SAMUEL RAMOS, ROBERTO RAMOS, LUMILINO RAMOS, EULALIO
PRIETO, MELQUIADES RAMOS AND HENRY RAMOS,
ACCUSED-APPELLANTS.**

G.R. No. 76744. June 28, 1988

Ponente: PADILLA, J.

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PADILLA, J.:

Proof to sustain conviction must survive the test of reason. Suspicion of guilt, no matter how strong, should not be permitted to sway judgment. These principles are brought to focus in the present case.

Before the Regional Trial Court of Lucena City, 4th Judicial Region, Branch 53, accused Samuel Ramos, Roberto Ramos, Lumilino Ramos, Eulalio Prieto, Melquiades Ramos and Henry Ramos were charged with the crime of double murder for the death of Jose Villanueva and Emiliano Abasolo in an amended information, which reads:

"That on or about the 24th day of December 1983, in the City of Lucena, Province of Quezon, Philippines, and within the jurisdiction of this Honorable Court, the said accused, with intent to kill, armed with bladed weapons and pointed bamboos, with evident premeditation and treachery, conspiring and confederating together and mutually helping one another, did then and there willfully, unlawfully and feloniously attack, assault, stab and hack with said weapons Jose Villanueva and Emiliano Abasolo thereby inflicting upon the above-named persons wounds which caused their death."[1]

Upon arraignment, except for Melquiades Ramos and Henry Ramos, who are both at large up to the present, the accused entered pleas of not guilty.[2]

After trial, the court a quo rendered judgment[3] finding all the accused guilty of the crime charged. The dispositive part of the decision reads:

"WHEREFORE, after a careful consideration of the evidence presented by the prosecution and that of the defense, the Court is of the opinion that all the accused are guilty of murder qualified by evident premeditation. In imposing the penalty, the Court takes into consideration in favor of the accused the mitigating circumstance "that the act was committed in the immediate indication of a grave offense to the one committing the felony." As the mitigating [sic] circumstance was not offset by any aggravating circumstance, all the accused are hereby sentenced to suffer the penalty of DOUBLE LIFE IMPRISONMENT [sic] (Reclusion perpetua) and indemnify the heirs of the offended parties the amount of P30,000.00 for each of them, without subsidiary imprisonment in case of insolvency.

SO ORDERED."[4]

Not satisfied with the judgment rendered against them, accused Samuel Ramos, Roberto Ramos, Lumilino Ramos and Eulalio Prieto interposed the present appeal.

The People's summary of the prosecution's evidence is as follows:

""The Prosecution

"The prosecution tried to establish its case upon the testimony of its lone eye-witness Francisco Estrada, who was in the company of the victims at the time of the killing. Estrada testified that the brothers Samuel Ramos, Lumiliano Ramos and Roberto Ramos and their brother-in-law Eulalio Prieto, with whom the Ramos brothers lived, are his neighbors. They were friends until a misunderstanding happened following the help he gave to Eulalio Prieto's wife who was accused of oral defamation which the Prietos did not acknowledge claiming that they did not owe anything to Estrada (TSN, Francisco Estrada, April 6, 1984, pp. 2-3).

"On December 24, 1983 at 3:00 p.m., Francisco Estrada was in his house near the PNR station at Bel-Air Subdivision, Lucena City together with Jose Villanueva, Eugenio Cadiz, Antonio Cadiz and Emiliano Abasolo, The group then went to the house of Romeo Mendreje located at Sitio Dumuclong, Mayao, Lucena City. Mendreje invited the group and they ate calamay and drank wine from 3:00 p.m. to 5:00 p.m. (TSN, Francisco Estrada, April 6, 1984, p. 13.) After drinking, Estrada's group went home (TSN, Francisco Estrada, March 165, (sic) 1984, pp. 5-8.).

"While in the trolley on their way home, Estrada saw Roberto Ramos, Lumiliano Ramos, Melquiades Ramos, Henry Ramos and Eulalio Prieto standing thirty (30) meters away near the railroad track. Roberto Ramos, Lumiliano Ramos, Melquiades Ramos, Henry Ramos, and Eulalio Prieto sat in their trolley holding pointed or sharpened bamboos. Estrada and company proceeded, and when they reached the place where the Ramoses stood, they stopped and asked permission from Samuel Ramos and Eulalio Prieto that they be allowed to pass. Prieto answered, "sugod patayin kami" His four companions jumped out of the trolley (TSN, April 6, 1984, p. 22), and as he started pushing the trolley, he saw the killing of Jose Villanueva. It was Samuel Ramos who pursued Jose Villanueva and hacked him on his side and abdomen with a bolo and sharpened bamboo (March 23, 1984, p. 2). The other Ramos brothers surrounded Villanueva and helped in hitting him (pp. 7-8). He saw Henry Prieto hit Villanueva on the nape (p. 3) and the latter fell on the ground. Samuel Ramos turned him on his back and Melquiades hit him on the breast (pp. 5-6). He also saw Roberto Ramos stab Emiliano Abasolo on the breast with a pointed bamboo (pp. 10-11) but he did not see the killing of Abasolo."[5]

On the other hand, the accused, who stood trial, denied any participation in the killing of the victims. The version of the defense, as summarized in the Solicitor General's Manifestation in lieu of appellee's brief, is as follows:

"All the four accused testified and denied any participation in the killing, maintaining that the assailants were Fernando Ronquillo and Serafin de Asis, out-of-town visitors of Samuel Ramos. The barangay captain, Aurora Mortiz also testified on incidents that transpired before the killing. Conrado Zaro, janitor-watchman of the company where the accused Eulalio Prieto worked also testified. On December 23, 1983, Samuel Ramos, one of the accused-appellants in this case, invited two visitors, Fernando Ronquillo and Serafin de Asis, to the house of Eulalio Prieto, brother-in-law of Samuel Ramos. Samuel Ramos requested Fernando Ronquillo to act as the godfather of the former's one-and-a-half year old child who was scheduled to be baptized on December 25, 1983 (TSN, Samuel Ramos, July 13, 1984, pp. 4 and 7; and TSN, Samuel Ramos, July 18, 1984, pp. 3-4). The reception after the baptism was to be held in Prieto's house which was near the church in Lucena City since Ramos house was more or less two (2) kilometers from the city (TSN, Samuel Ramos, July 18, 1984, p. 4). Both Prieto's and Samuel Ramos' houses were located beside the railroad track (Id.).

"Fernando Ronquillo and Serafin de Asis became acquainted with Samuel Ramos when they were hired by a certain Atty. Marte in the construction of his house (TSN, Samuel Ramos, August 31, 1984, pp. 11-14).

"On December 23, 1983, Samuel Ramos prepared pancit and rice for his visitors, and he brought these foods to the house of Eulalio Prieto (TSN, Samuel Ramos, July 13, 1984, p. 5). Ramos arrived in the afternoon of December 23, 1983 at Prieto's house (Id., at 6).

"Near the railroad track, and twenty (20) meters away from Prieto's house, Francisco Estrada and his companions were drinking liquor (Id., at 7 and 8). On their way to Prieto's house, Fernando and Serafin passed

by the place where Estrada and company were drinking (TSN, Samuel Ramos, July 18, 1984, p. 6). Francisco Estrada and Jose Villanueva called Fernando Ronquillo and Serafin de Asis asking them to give P20.00 (TSN, Samuel Ramos, July 18, 1984, p. 7), but Fernando gave only P10.00 and Serafin did not give any amount (Id., at 8). Estrada persisted in asking Fernando to give P20.00, but the latter gave no additional amount (TSN, Samuel Ramos, July 13, 1984, p. 9).

"In the evening of December 23, 1983, while Fernando Ronquillo and Serafin de Asis were still in the house of Prieto, Francisco Estrada and Jose Villanueva came looking for Fernando and Serafin (Id., at 9): Estrada and Villanueva ordered Fernando and Serafin to come down from the house and they brought bolos (Id., down at 10). Fernando and Serafin did not go down and Samuel Ramos also did not go down because he would be killed (Id., at pp. 10-11). Instead Ramos asked Prieto to fetch the barangay captain (Id., at 12).

"The barangay captain, Aurora Mortiz, and a barangay councilman, came to prieto's house. Aurora Mortiz asked Francisco Estrada and Jose Villanueva "why they were quarreling the owner of the house." Because of this, Estrada and Villanueva became angry (Id.). Samuel Ramos then told the barangay captain that she should advise Fernando Ronquillo and Serafin de Asis to leave the place while she was still there because they might be killed by Estrada and Villanueva. Samuel Ramos also asked the visitors to leave the place (Id.). At 10:00 p.m., while the barangay captain and her councilman were still there, Fernando and Serafin, together with Samuel Ramos, left Prieto's house (Id., at 13). Samuel Ramos brought Fernando and Serafin at his house in Mayao Crossing where they slept (Id.). The barangay captain corroborated the foregoing and testified that Francisco Estrada had several cases in the barangay of Aurora Mortiz (TSN, Aurora Mortiz, March 22, 1985, p. 13) such as making trouble for those passing the railroad tracks (Id.). One time while trying to pacify a quarrel between children and parents, Estrada entered the scene and slapped the parents (Id.) Francisco Estrada had already been imprisoned for a crime (Id.).

"On December 24, 1983, Fernando Ronquillo and Serafin de Asis stayed at the house of Samuel Ramos at Mayao Crossing, where they also slept the previous night. As mentioned above, after Barangay Captain Aurora Mortiz intervened in the commotion at Eulalio Prieto's house on December 23, 1983 caused by Francisco Estrada and Jose Vilianueva, Fernando Ronquillo and Serafin de Asis went with Samuel Ramos to the latter's house. Samuel's house is two kilometers away from Prieto's. Fernando and Serafin had their breakfast and lunch on December 24, 1983 at the house of Samuel Ramos (TSN, Samuel Ramos, July 13, 1984, p. 14). At about 5:00 p.m., Francisco Estrada, Jose Vilianueva, Emiliano Abasolo arrived at a place near the house of Samuel Ramos riding a trolley (Id., at 14-15). Francisco Estrada and Jose Vilianueva called Samuel Ramos and asked him if they could talk with his visitors, Fernando Ronquillo and Serafin de Asis (Id., at 15). When this happened, Jose Vilianueva was in the trolley at the railroad track (Id.). Noticing that Estrada's group was drunk, Samuel Ramos, told them to postpone the conversation with his visitors (Id.). Vilianueva got angry at Ramos, and he told him that Villanueva's group wanted to talk with the visitors of Ramos because said visitors did something wrong. Villanueva's group wanted the visitors to apologize to them. (Id.) Ramos did not say anything because at this moment his visitors went down from his house, and the visitors were the ones who talked with Villanueva's group. The visitors, that is, Fernando Ronquillo and Serafin de Asis approached, or went near Francisco Estrada and Jose Vilianueva who were in the railroad track in front of the house of Samuel Ramos (Id., at 16-17). The other companions of Estrada and Vilianueva were standing near the trolley. Samuel Ramos, at this moment, was twenty (20) meters, more or less, from where Estrada and Vilianueva stood. Fernando Ronquillo and Serafin de Asis, on one hand, and Francisco Estrada and Jose Vilianueva, on the other hand, conversed with each other for about five (5) minutes. After this there was a fight or free-for-all. Those involved in this free-for-all were Fernando Ronquillo, Serafin de Asis, Francisco Estrada, Jose Vilianueva, Emilio Abasolo and Estrada's and Villanueva's other companions (Id., at 18).

"Before the free-for-all happened at 5:00 p.m. on December 24, 1983, when Fernando Ronquillo and Serafin de Asis approached Francisco Estrada and Jose Villanueva, Estrada was holding a long bolo and Villanueva a balisong. When the two groups were still conversing, Fernando and Serafin did not hold any weapon. But

when the commotion or free-for-all started, Serafin was seen holding a bladed weapon in his right arm. Samuel Ramos did not see Fernando Ronquillo holding a weapon. (TSN, Samuel Ramos, August 31, 1984, pp. 15-16).

"In the free-for-all, Fernando Ronquillo stabbed Jose Villanueva, and together with Serafin de Asis chased Villanueva and his companions. (Id., at 19). The distance of the chase was around thirty (30) meters (Id.).

"When the melee occurred, Samuel Ramos went to the scene of the commotion to separate his visitors. He attempted to break them and when he approached then, he happened to hold the hand of his visitor but he was wounded, so he left and proceeded to his house (Id., at 20). He was wounded on his left forefinger by Serafin. After the free-for-all, he went to Quezon Memorial Hospital for the treatment of his wound. The scar of the wound measured one inch and a half (Id., at 21).

"The police arrested Samuel Ramos while he was at the hospital.

"Eulalio Prieto, brother-in-law of Samuel Ramos, testified that before December 1983, Estrada became angry with him because he had told Estrada and Jose Villanueva to stop asking liquor money, or perang panginoon, from Prieto's brothers-in-law, Lumiliano Ramos and Roberto Ramos, the other accused-appellants in the case at bar. Prieto told Estrada and Villanueva "not to do that thing" to his brothers-in-law because his brothers-in-law had no job (TSN, Eulalio Prieto, September 28, 1980, pp. 13-14.) After Prieto told Estrada to stop asking liquor money from Prieto's brothers-in-law, Estrada would stone Prieto's house whenever Estrada got drunk (Id., at 16).

"At the time of the incident on December 24, 1983, which resulted in the death of Jose Villanueva and Emiliano Abasolo, Prieto was employed with Delson Enterprise as a cargador of copra (Id., at 4). As for Eulalio Prieto he testified that he reported for work at Delson Enterprise from 6:00 a.m. to 6:00 p.m. (Id.), where he was employed as a cargador of copra. Although his working hours were only up to 5:00 p.m., he stayed longer at his employer's premises on December 24, 1988 because he waited for his Christmas bonus which was given to him at 6:30 p.m. Prieto's testimonies in these respects were corroborated by Conrado Zara, who was a janitor-watchman at Delson Enterprises. Zara said that on December 24, 1983, Prieto reported for work at Delson Company until 6:30 p.m., and that Christmas bonuses were given to the employees at 6:30 p.m. (TSN Conrado Zara, November 21, 1984, pp. 3-4). Prieto received his bonus at 6:30 p.m. (Id., at 5 and II).

"On December 24, 1983, Prieto arrived home from work at 7:00 p.m., more or less. He found his wife not at home because she accompanied Samuel Ramos, her brother, to the hospital to have his wound on the left forefinger treated. Prieto's other brothers-in-law, Roberto and Lumiliano Ramos, were already at home at the time. Prieto's children made the table for supper, and Prieto and his brothers-in-law then ate. Before supper was over, two (2) policemen came and invited Prieto and Lumiliano Ramos to the police headquarters. Afterwards, the policemen returned to Prieto's house and took his other brother-in-law, Roberto Ramos. (TSN, Eulalio Prieto, September 28, 1984, pp. 5-10.)

"Roberto Ramos and Lumiliano Ramos were at Mayao on December 24, 1983, at about 5:00 p.m. Mayao was two (2) kilometers away from the scene of the incident (TSN, Roberto Ramos, August 9, 1984, p. 4) and four (4) kilometers from the railroad station at Lucena City (TSN, Roberto Ramos, August 10, 1984, p. 3). Roberto Ramos and Lumiliano Ramos were trolley "operators" or "drivers," and they were in Mayao plying passengers by trolley. At the time, their trolley was carrying eight (8) passengers from Mayao Parada (TSN, Roberto Ramos, August 10, 1984, p. 4). When the trolley reached Mayao Crossing the incident had already happened (Id., at 5-6). Samuel Ramos was at his house then, and he called Roberto and Lumiliano Ramos who stopped the trolley. With Samuel Ramos on, the trolley then proceeded towards Lucena City. Then it stopped in front of the house of Eulalio Prieto which was the terminal of the trolley." [6]

In convicting the accused, based solely on the testimony of prosecution witness Francisco Estrada, the trial court said:

"x x x. Presented as it were, the same should not be allowed to overturn the candid testimony of Francisco Estrada. He positively identified the person of the accused Samuel Ramos, Roberto Ramos, Lumiliano Ramos and Eulalio Prieto who were all armed when they blocked their way while they were on the trolley where the two victims sustained injuries. While his conduct in the community is not altogether praiseworthy, as his demeanor had in fact precipitated the plan of the accused to kill him and his companion, this notwithstanding, did not detract or militate against this credibility as a witness. His testimony was spontaneous, candid and straightforward. He was honest in his answers, as he even admitted that long before the incident in question he was not in good terms with his neighbor Eulalio Prieto. It is undeniable that immediately after the incident; he went to the police station in Lucena and reported the matter. He was not allowed to go home and was detained in the Police Station for some flimsy charges. When the police could not find any case against him to justify his further detention they finally released him. In fact his presence during the incident was vividly described by Samuel Ramos." [7]

Generally, findings of the trial court on the issue of credibility of witnesses are entitled to respect and accorded the highest consideration by the appellate courts.[8] The rule, however, is not without exceptions, as where there appears on record some fact or circumstance of weight and influence, which has been overlooked or the significance of which has been misinterpreted, in which case, the judgment of the trial court as to credibility of witnesses may be reversed.[9] A careful examination of the record in this case reveals the existence of such circumstance in respect of the testimony of Francisco Estrada, lone eye-witness for the prosecution.

On the credibility of Francisco Estrada, the Solicitor General makes the following observations:

"I. Francisco Estrada testified that on December 24, 1983 at 3:00 p.m. he, together with Jose Villanueva, Eugenio Cadiz, Antonio Cadiz and Emilio Abasolo, went to the house of Romeo Mendreje where they drunk wine from 3:00 p.m. to 5:00 p.m. They were seven who partook of the wine contained in a family size pepsi bottle. This testimony of Estrada should put his credibility in grave doubt.

In his Salaysay taken on December 27, 1983 (Records, p. 3), Francisco stated that his group went to Romeo Mendreje's house and they were nag-iinuman. The word nag-iinuman ordinarily denotes people drinking wine or liquor together. Surely, it does not signify people drinking soft drinks such as pepsi. That what Estrada's group was drinking was wine/liquor, and not pepsi, is confirmed by Estrada's companion, Eugenio Cadiz. In his Salaysay taken on December 28, 1983 (Records p. 21), Eugenio Cadiz stated that he was nag-iinuman with Estrada and Jose Villanueva and that he was lasing na lasing on December 24, 1983 at 5:00 p.m.

"2. Estrada's testimony in open court and what he stated in his Salaysay referred to above vary in significant aspects.

a) In his Salaysay, Estrada said that Eulalio Prieto and the Ramoses surrounded him and his companions, and Prieto and the Ramoses "pinagtataga at pinagtutulos si Jose Villanueva na naiwan sa truli dahil siya po ay nasa gitna nito." On the [sic] other hand, Estrada testified in open court that when the Ramoses blocked the trolley, Jose Villanueva jumped from the trolley, and Samuel Ramos pursued him and hit Villanueva in the front part of the latter's body [Villanueva was left in the place where he jumped (Id., at 12), and he was not able to board the trolley back (Id., at 13; TSN, Francisco Estrada, April 6, 1984, p. 23)] [10] Then in the next breadth he admitted that he could not tell exactly because he was far from them and he was trying to defend himself from the others. (TSN, Francisco Estrada, March 16, 1984, pp. 9-14)

b) In his Salaysay, Estrada stated that "si Emiliano Abasolo at nasaksak nitong si Roberto." i.e., Roberto Ramos. In his testimony, however, Estrada said: What I did not witness was when Emiliano [Abasolo] was killed but when Villanueva was killed I saw the killing, sir" (TSN, Francisco Estrada, April 6, 1984, p. 22).

c) In the same Salaysay, Estrada said that Prieto and the Ramoses were "may mga dalang gulok at kawayan na matutulis ang dulo." In his testimony, however, Estrada never mentioned that Prieto and the Ramoses were

holding bolos. All that Estrada said was that they were holding pointed bamboos. (Id., at pp. 14, 15, 18, 19, and 20). This is significant because Dr. Eva Yamamoto, the physician who conducted the post-mortem examination on Jose Villanueva's body, testified that none of the fatal wounds inflicted against Villanueva was caused by a pointed bamboo (TSN, Eva Yamamoto, March 16, 1984, pp. 19-20),[11] [Said wounds could be inflicted only by a bolo or a knife (id., at 4)]."[12]

The Solicitor General recommends acquittal of the accused.

The Court finds the evidence for the prosecution indeed insufficient to overcome the presumption of innocence of the accused. Necessarily, the judgment of conviction of the court a quo must be set aside. In *People vs. Bania*,[13] citing *People vs. Dramayo*,[14] the Court categorically said:

"x x x 'Only if the judge below and the appellate tribunal could arrive at a conclusion that the crime had been committed precisely by the person on trial under such an exacting test should the sentence be one of conviction. It is thus required that every circumstance favoring his innocence be duly taken into account. The proof against him must survive the test of reasons; the strongest suspicion must not be permitted to sway judgment. The conscience must be satisfied that on the defendant could be laid the responsibility for the offense charged; that not only did he perpetrate the act but that it amounted to a crime. What is required then is moral certainty.'"[15]

WHEREFORE, the judgment appealed from is REVERSED. Accused-appellants are ACQUITTED, their guilt not having been proved beyond reasonable doubt. They are ordered RELEASED, unless they are detained for any other legal cause or reason.

SO ORDERED.

Yap, C. J. (Chairman), Melencio-Herrera, Paras, and Sarmiento, JJ., concur.

[1] Rollo, pp. 6-7.

[2] Decision, pp. 1-2.

[3] Written by Judge Rodolfo G. Palattao.

[4] Decision, p. 9.

[5] Manifestation in lieu of appellee's brief, pp. 3-5; Rollo. p. 87.

[6] Manifestation, etc., pp. 6-15.

[7] Decision, pp. 7-8.

[8] *People v. Sacal*, 139 SCRA 125. 131; *People v. Cabanit*, 139 SCRA 94, 101.

[9] *People vs. Canamo*, 138 SCRA 141, 145.

[10] Manifestation, etc., p. 16.

[11] Manifestation, etc., pp. 19-22.

[12] Id., p. 16.

[13] 134 SCRA 347.

[14] 42 SCRA 59.

[15] 134 SCRA 356-357.

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