

THE PEOPLE OF THE PHILIPPINES, PLAINTIFF-APPELLEE, VS. PEDRO SALAZAR Y JIMENEZ @ “JUNIOR;” DIONISIO AGUILAN Y MARARAC @ “DIONE;” LEONARDO AGUILAN Y MARARAC @ “LOLLY;” AND AGUEDO...

G.R. No. 84391. April 07, 1993

Ponente: NOCON, J.

Read online (full-text search, related cases, audio case brief): <https://batas.org/library/g-r-no-84391/>

NOCON, J.:

For the death of Rodolfo Ramos, accused-appellants Pedro Salazar, Dionisio Aguilan, Leonardo Aguilan and Aguedo Ramos were charged with murder before the Regional Trial Court of Pangasinan, Branch 39 at L.ingayen, in Criminal Case No. L-3299, under the following Information:

"That on or about the 25th day of July 1985, in the evening, in barangay Lasip, municipality of Lingayen, province of Pangasinan, New Republic of the Philippines and within the Jurisdiction of this Honorable Court, the above-named accused, conspiring, confederating and helping one another, armed with an unlicensed firearm, with Intent to kill, treachery and evident premeditation, did then and there, willfully, unlawfully and feloniously shoot Rodolfo Ramos, inflicting upon him the following injuries:

'1. Gunshot wound face right, circular in shape and about 2/3 cm in diameter. On probing the wound goes forward to the mastoid region or back of ear where the missile was lodged. Length of the wound is 4 inches.

'2. Gunshot wound back of the neck, midline at the level of the lower lobe of the ear, oval or elongated in shape and about 2 cm long.

which injuries caused his death as a consequence, to the damage and prejudice of his heirs.'

"Contrary to Article 248 of the Revised Penal Code.

"Lingayen, Pangasinan, September 19, 1985.'"[1]

Upon arraignment, each of the accused-appellants, assisted by counsel, entered a plea of "Not Guilty." After trial, a decision was rendered by the court below on October 29, 1987, disposing as follows:

"WHEREFORE, judgment is hereby rendered, finding accused Pedro Salazar y Jimenez, alias 'Junior', Dionisio Aguilan y Mararac, alias 'Dione', Leonardo Aguilan y Mararac, alias 'Loly' and Aguedo Ramos y Palisoc, alias 'Jessie', all guilty beyond reasonable doubt of the crime of Murder and therefore, the Court sentences them to suffer the penalty of Reclusion Perpetua with the accessories provided for by law and to pay the proportionate costs. They should also indemnify, jointly and severally, the heirs of Rodolfo Ramos in the amount of P30,000.00 without subsidiary, imprisonment in case of insolvency. Furthermore, they should pay, jointly and severally, the heirs of the victim actual damages in the amount of P19,700.00 incurred in connection with the death of Rodolfo Ramos, also without subsidiary imprisonment in case of insolvency.

"The Court further directs all the accused, jointly and severally, to pay the heirs of said victim in the amount of P76,752.00 representing the total loss of earning capacity of the victim as public school teacher with an annual

salary of P2,808.40 died at the age of 39, pursuant to the legal formula laid down in the case of *People vs. Daniel*, L-66551, 25 April 1985. They should also, jointly and severally, pay the heirs of the victim the amount of P50,000.00 by way of moral damages, under Art. 219 of the New Civil Code, without subsidiary imprisonment in case of insolvency.

"It appearing that the accused are detention prisoners, they should be credited the entire period of their temporary detention subject to the provision of Art. 29 of the Revised Penal Code.

"Let a copy of this decision be furnished to the surviving heirs of the victim.

"SO ORDERED."[2]

From the testimonies of the different witnesses for the prosecution, the following facts were established:

On July 25, 1985 at about 6:00 o'clock in the evening, at the roadside fronting his house, Rodolfo "Ranny" Ramos was shot by Pedro Salazar alias "Junior" causing the former to fall. Thereafter, Dionisio Aguilan alias "Dione" grabbed the gun from Junior Salazar and fired at Ranny Ramos twice, hitting him once. These were the similar accounts of Ranny Ramos' wife, Anita and 9-year old son, Ronaldo, who professed to have seen the shooting.

Anita testified that at 6:00 p.m. on July 25, 1985, she was standing by the window of their house waiting for her husband who was along the roadside seeing her son, Ronaldo, bring their cows toward their house. Thus, she clearly saw how her husband was shot by the accused-appellants Junior Salazar and Dione Aguilan in the presence of the other accused-appellants Leonardo Aguilan alias "Lolly" and Aguedo Ramos alias "Jessie." The reason why her husband was shot might have been due to the dismissal of the case filed by the parents of Junior Salazar against her husband in connection with the death of another son, Domingo Salazar.

Similarly, Ronaldo declared that at about that time on July 25, 1985, he got their cows from the other side of the river and was bringing them across the river to the other side where his father was waiting along the road when the four (4) accused-appellants passed by. One of them, namely, Junior Salazar, suddenly shot his father followed by Dione Aguilan who grabbed the gun from Junior Salazar and also fired at his father twice. Lolly Aguilan and Jessie Ramos respectively kicked his father on the head and on the belly.

Francisco Ramos, the victim's father, testified that he heard three shots at about 6:00 o'clock on July 25, 1985, followed by the scream of his daughter-in-law. So he immediately rushed to where his son was, which was about thirty (30) meters away. While embracing him, he asked his son who shot him. Despite blood oozing from his head, Ranny managed to answer: "Junior, Dione, Jessie and Lolly" and then added: "take care of my children." He said that his son spoke to him for about four (4) seconds. After which, he closed his eyes and died. He then reported the incident to Barangay Captain Ricardo Ramos who in turn reported to the police authorities. After a while, the policemen arrived and conducted an investigation. They then carried the body of the victim on a jeep and brought it to Funeraria de Guzman.

Dr. Cecilio Terrado, Rural Health Physician, of Lingayen, Pangasinan, testified that on July 20, 1985 at about 1:10 a.m., he was called to conduct an autopsy on the cadaver of Rodolfo Ramos at Funeraria de Guzman upon the request of the police authorities of Lingayen, Pangasinan. In his Autopsy Report, Dr. Terrado listed the following wounds sustained by the victim, to wit: (a) gunshot wound at the face, right, circular in shape and about 2/3 cm. in diameter which was inflicted when the assailant was in front of the victim and (b) a gunshot wound at the back of the neck, midline at the level of the lower lobe of the ear, oval and elongated in shape and about 2 cm. long. He is of the opinion that the first wound was not fatal but the second wound at the back of the neck because the slug entered the brain and penetrated the lower right side of the skull. With this wound, the victim would still live for five to ten minutes from the time the injury was inflicted and his speech would not be affected. However,

he could not determine which of the wounds was inflicted first. But he noted no gunpowder burns so much so that he is of the opinion that the shots were fired from a gun of the same caliber and the injuries inflicted at a distance of more than 2-1/2 feet.

On the other hand, the defense's version of the incident as testified to by Pedro Salazar, was that on July 25, 1985, at about 6:00 o'clock in the evening, while on his way home, he met Ranny Ramos who pointed a gun at him and invited him to go to the fields but he refused. Instead, he wrestled for the possession of the gun and in the course of the struggle both of them fell down. Thereafter, he found that Ranny was hit. Frightened, he ran away.

The other accused-appellants, namely, Dionisio Aguilan, Leonardo Aguilan and Aguedo Ramos denied having anything to do with the offense charged.

Dione Aguilan testified that he was at Barangay Rosario attending religious rites at the Iglesia Ni Kristo Chapel up to 7:00 o'clock in the evening. He usually attends church services at Lasip but because he had to plant in the morning of that day, he decided to attend the church services at Barangay Rosario in the afternoon.

Supporting his brother's alibi, Lolly Aguilan testified that he was with Dione Aguilan attending the church services of the Iglesia Ni Kristo led by Minister Simplicio Binuya on the night in question. Junior Salazar and Aguedo Ramos, however, although INK members, were not present during the July 25, 1985 services at Rosario.

Aguedo Ramos' testimony centered on the fact that he was threatened with bodily harm and actually boxed when he refused to sign a statement admitting his participation in the shooting incident. As a result, he sustained bruises and a lump on his forehead. He was brought to the Provincial Hospital by Eliong Ferrer, a co-member of the Iglesia Ni Kristo and he was able to secure a medical certificate attesting to the presence of a reddish mark on his stomach. But Aguedo admitted that he never filed any complaint against the policemen.

To establish accused-appellants' whereabouts at the time of the incident in question, the defense presented Salvador de la Cruz, the person in-charge of taking down the names of the members who are securing attendance slips; Teofilo Tuazon, the head deacon; and Melchor Ferrer, the gatekeeper of the chapel. All the three INK members testified that they saw accused-appellants Dione, Lolly and Jessie attend the church services at 5:00 o'clock p.m. Likewise, they declared that the gates of the chapel services were being held. De la Cruz said that the services lasted up to 6:00 o'clock, thereafter, a conference was held up to 6:30 in the evening while Ferrer said that he saw the accused-appellants from 5:00 to 6:00 o'clock in the afternoon from the start of the services up to the end but added that the three went out after the conference at 7:00 p.m.

Aggrieved by the decision of the trial court finding them guilty as charged, accused-appellants interposed the present appeal raising as errors of the trial court the following:

"I. IN THE APPRECIATION OF THE EVIDENCE PRESENTED DEMONSTRATING PARTIALLY IN DETERMINING THE WEIGHT AND SUFFICIENCY THEREOF AND IN ASSESSING THE CREDIBILITY OF THE WITNESSES.

"II. IN FINDING THAT THE PROSECUTION ESTABLISHED THE GUILT OF THE ACCUSED BEYOND REASONABLE DOUBT.

III. IN HOLDING THAT CONSPIRACY EXISTS AMONG THE ACCUSED.

"IV. WITH RESPECT TO THE ACCUSED PEDRO SALAZAR, JR. IN BRUSHING ASIDE THE CLAIM THAT HE ACTED IN SELF-DEFENSE, AND COROLLARILY IN HOLDING THAT THE CRIME COMMITTED IS MURDER."[3]

Appellants question the credibility of prosecution witnesses, Anita Ramos, Francisco Ramos and Ronaldo Ramos,

the victim's wife, father and son, respectively. They alleged that their testimonies are illogical, inconsistent and contrary to human experience. They question why the wife would be waiting for her husband who just went out to see their son bring in the cows when she should have been busy attending to her other children as it was nearing supper time. They even cast doubts on the dying declaration of the victim arguing that it was impossible for the latter to have uttered the names of the four appellants and still, had time to request his father to take care of his children when his father himself declared that his son spoke to him only for four (4) seconds. They also called attention to the inconsistency of Ronaldo's declaration that he saw the shooting of his father and his declaration that when he went out of the house, his father was already dead.

One's credibility cannot be attacked simply by saying that he should not have acted the way he did. We have held that people react differently to a situation.[4] The innate differences in man make each one unique by himself. Man's actions and reactions cannot be stereotyped. Thus, Anita Ramos cannot be faulted if she chose to wait for her husband and son by the window rather than do other chores. There is nothing unnatural in such action that would militate against her credibility.

The inconsistency in Francisco Ramos' testimony that his son spoke to him only for four (4) seconds before he expired yet his son was able to name his four (4) assailants and was even able to make an entreaty to him to take care of his children is more apparent than real. Naturally, the time of four (4) seconds is merely an estimate because Francisco Ramos could not have been expected to look at his watch with a dying son on his arms. His testimony as to what his son said during said crucial moment must definitely prevail over the time constraints that he set up for the alleged conversation. At any rate, the fact that the victim could have lived longer than four (4) seconds to be able to name all his four assailants and still make his last requests is medically possible. Dr. Cecilio Terrado testified that the victim would still live from five to ten minutes after the infliction of his injuries and his speech would not be affected.

As to Ronaldo Ramos' apparently contradictory statements that he saw the shooting of his father, with his other declaration, that when he went out that evening, his father was already dead, has been clarified when the trial court propounded questions to him. He declared that he was bringing their cow from the other side of the river to their house when his father was shot. Ronaldo, who was 9 years old then when he testified may have erred. But the error is not fatal. We cannot expect a boy of tender age to understand every question asked of him in the course of his direct examination, much less, during his cross-examination. Ample margin of error and understanding should be accorded to young witnesses who much more than adults, would be gripped with tension due to the novelty of the experience of testifying before a court. Moreover, it has been held that the most honest witnesses may make mistakes sometimes but such honest lapses do not necessarily impair their credibility.[5]

On the claim that the prosecution witnesses being relatives of the victim are biased witnesses, is simply not true. The fact that prosecution witnesses are the wife, father and son of the victim does not make them incompetent witnesses nor detract from the credit due them.[6] Mere relationship to a party cannot militate against the credibility of witnesses or be taken as destructive of the witnesses' credibility.[7] Moreover, when the trial court favorably assessed the credibility of prosecution witnesses and their testimonies, its findings are accorded great respect in view of the court's advantage in observing their demeanor on the stand and should not be set aside because of their relationship to the victim.

Accused-appellants next contend that there could be no conspiracy among them in the commission of the crime charged primarily because at the time and place of the incident, three of them, Dione, Lolly and Jessie were attending worship services at the INK Chapel in Rosario as duly shown by the attendance slips issued to them. Moreover, accused-appellant Junior Salazar corroborated their statements when he testified that the three accused were not with him when the incident occurred. Besides, no less than three (3) INK members testified categorically

that they saw Dione, Lolly and Jessie attend the church services at the INK Chapel at Rosario at about the time of the commission of the offense and that the church doors were closed during the whole duration of the services.

Indeed, the alibi proffered by accused-appellants cannot lightly be ignored. However, a deeper probe into the respective statements of the three INK witnesses reveals that while all three were uniform in their assertion that the church services started at 5:00 or 5:05 p.m. of July 25, 1985 they were not consistent on the exact time when the same ended, Salvador de la Cruz and Melchor Ferrer declared that the service ended at 6:00 p.m. while Teofilo Tuazon said the services ended at 6:30 p.m. The three of them tried to impress upon the trial court that the accused-appellants stayed for the conference which lasted up to 7:00 p.m. However, Teofilo Tuazon admitted that the conference after the church services were only for some regular members of the INK at Rosario. Considering that accused-appellants are members of the INK at Lasip, not at Rosario and that the church doors are closed only for the duration of the services, not the conference, it is possible that accused-appellants attended the church services only as evidenced by their attendance slips, but left before the conference. By 6:00 p.m., as testified by two, of the three INK members, the services had already ended so the accused-appellants' presence at the scene of the crime is no longer improbable. For alibi to prosper, it must be so convincing as to preclude any doubt that the accused could not have been physically present at the place of the crime or its vicinity at the time of its commission.[8] The testimonies of the three INK members failed to convince this Court of such impossibility. Moreover, the accused-appellants themselves provided additional basis for this Court to reject their alibi when they claimed that Jessie Ramos was not with them at the church services. Since the defense witnesses cannot agree among themselves as to what are the real facts, this Court cannot possibly be expected to uphold any of their conflicting versions.

Besides, accused-appellants' alibi cannot prevail over the victim's dying declaration to his father naming them as his assailants and the damning eyewitnesses' account of the victim's widow and son. Doubtless, the victim's declaration is admissible as a dying declaration because (a) it was made under consciousness of an impending death; (b) the declaration referred to the cause and surrounding circumstances of the declarant's injury and impending death; and (c) the declarant was a competent witness.[9] Likewise, the testimonies of the victim's widow and son are clear and categorical on the material aspects. Both of them declared that they saw accused-appellants Junior Salazar and Dione Aguilan take turns in shooting the victim from one and the same gun.

It is true that Anita declared that Lolly Aguilan and Jessie Ramos merely stood nearby as their co-appellants shoot the victim while the son said that the two, Lolly and Jessie kicked his father on the head and on the belly, respectively. Accused-appellants cite this difference in the prosecution's testimonies to discredit their claim of conspiracy. The fact that Anita did not testify on the alleged kicking of her husband by two of the appellants is of no moment since the lone testimony of the son on the concerted action of each member pieced together and taken as a whole conclusively shows the existence of conspiracy.[10] We do not discount the possibility that she did not actually see the kicking. But neither does this fact lessen the credibility of her son. We have held that children of sound mind are likely to be more observant of incidents which take place within their view than older persons, and their testimony is therefore likely to be more correct in detail than that of older persons.[11]

As to accused-appellant Junior Salazar, he admits killing the victim Rodolfo Ramos but invokes self-defense, claiming that the victim pointed a gun at him, and invited him to go to the fields so he wrestled for the possession of the gun and killed him in the process.

In self-defense, the burden of proof rests upon the accused. His duty is to establish self-defense by clear and convincing evidence otherwise conviction would follow from his admission that he killed the victim.[12]

The self-defense theory of accused-appellant Salazar is too simplistic and incredible. He failed to elaborate on the exact words and actions of the victim that compelled him to act in defense of his person. As it stands, his testimony that the victim pointed a gun at him is insufficient proof of unlawful aggression. For unlawful aggression to be appreciated in self-defense, there must be an actual sudden and unexpected attack or imminent danger thereof, and not merely a threatening or intimidating attitude.[13]

The falsity of accused-appellant Salazar's claim of self-defense as noted by the trial court lies in (1) his failure to surrender to the authorities,[14] or to report the incident to the police;[15] (2) his failure to invoke self-defense when apprehended,[16] and (3) his failure to invoke the same during the preliminary investigation of the case.[17]

Indeed, a righteous individual will not cower in fear and unabashly admit the killing at the earliest opportunity if he were morally justified in so doing. A belated plea suggests that it is false and only an afterthought made as a last ditch effort to avoid the consequences of the crime.

In addition thereto, the expert testimony of Dr. Cecilio Terrado that there were no gunpowder burns on the victim is significant in assessing appellant's justification for the killing. This, according to him, is indicative of the fact that the injuries were inflicted at a distance farther than 2-1/2 feet. Thus, if the wounds were inflicted while the protagonists were grappling for the possession of the gun, as accused-appellant Salazar would want Us to believe, then there should have been gunpowder burns around the gunshot wounds as the distance between them would not definitely be farther than 2-1/2 feet.

The accused-appellants do not controvert the amount of damages that should be paid by them jointly and severally to the heirs of the victim. Thus, except for the amount of civil indemnity of P30,000.00 awarded by the trial court, which is hereby increased to P50,000.00 pursuant to existing jurisprudence, all the damages awarded are affirmed.

WHEREFORE, the guilt of the accused-appellants having been proved beyond reasonable doubt, the appealed decision of the Regional Trial Court of Pangasinan, Branch 39, in Criminal Case No. 3299, is hereby **AFFIRMED** with modification on the civil indemnity to be paid to the heirs of the victim which is hereby increased to P50,000.00.

SO ORDERED.

Narvasa, C.J., (Chairman), Padilla, Regalado and Campos, Jr., JJ., concur.

[1] Rollo, pp. 6-7.

[2] Id., pp. 63-69.

[3] Id., pp. 126-127.

[4] See *People v. Alterado, Jr.*, G.R. Nos. 79039-41, October 27, 1989, 178 SCRA 722.

[5] *People v. Natan*, G.R. No. 86640, January 25, 1991, 193 SCRA 355.

[6] *People v. Cuyo*, G.R. No. 76211, April 30, 1991, 196 SCRA 447.

[7] *People v. Penones*, G.R. No. 71153, August 16, 1991, 200 SCRA 624.

[8] *People v. Bugho*, G.R. No. 91849, September 30, 1991, 202 SCRA 164.

[9] Section 37, Rule 130, Rules of Court; *People v. Balbas*, G.R. No. 47686, June 24, 1983, 122 SCRA 859; *People v. Pama*, G.R. No. 90297-98, December 11, 1992.

[10] People v. Mendoza, G.R. No. 96397, November 21, 1991, 204 SCRA 288.

[11] People v. Mesias, G.R. No. 67823, July 9, 1991, 199 SCRA 20.

[12] People v. Tac-an, G.R. Nos. 76338-39, February 26, 1990, 182 SCRA 601.

[13] People v. Rey, G.R. No. 80089, April 13, 1989, 172 SCRA 149; People v. Boyocot, G.R. No. 55285, June 28, 1989, 174 SCRA 285.

[14] People v. Pelago, G.R. No. 24884, August 31, 1968, 24 SCRA 1027.

[15] People v. Abucay, G.R. No. 55252, December 26, 1984, 133 SCRA 732; People v. Maranan, G.R. Nos. 47228-32, December 15, 1986, 146 SCRA 240; People v. Delgado, G.R. No. 79672, February 15, 1990, 182 SCRA 343.

[16] People v. Maruhom, G.R. No. L-28691, September 28, 1984, 132 SCRA 116.

[17] People v. Amparado, G.R. No. 48656, October 3, 1985, 139 SCRA 71.

ABOUT BATAS.ORG

Study smarter at BATAS.org

The Philippine bar review and law-school companion built around how your brain actually remembers.

The complete Philippine law library - free for everyone.

More than 100,000 Supreme Court decisions, Republic Acts, and executive issuances - full-text searchable, browsable by category and year, and always free. No paywall, no login. This PDF came from it.

Audio case-brief lectures.

Any decision becomes a podcast-style lecture - facts, issues, ruling, and doctrine - with read-along highlighting and a hands-free presentation mode. Study while commuting, working out, or resting your eyes.

Bar review built on the science of memory.

Complete, sequenced courses for all eight bar subjects, narrated like podcasts and reinforced with retrieval practice and spaced review - the study techniques with the strongest evidence behind them.

The full law-school curriculum.

One subscription unlocks the entire J.D. curriculum - every subject, every lesson, with your progress tracked down to the paragraph so you can pick up exactly where you left off, on any device.

Mock exams that tell you where you stand.

Timed multiple-choice exams graded instantly, with per-subject score breakdowns and focus suggestions that point you at your weakest topics first.

A study planner that keeps you on pace.

Set your schedule and BATAS tells you every day whether you are on track for bar day - and exactly which lesson to take next.

Start free at <https://batas.org>

The law library is free forever - and your first lesson is one click away.

The text of this document is an official public record and remains in the public domain. Formatting, presentation, and compilation © 2026 batas.org.

Downloaded free from the batas.org Law Library. Share it freely - the library is free for every law student, bar reviewee, and practitioner.