

**PEOPLE OF THE PHILIPPINES, PLAINTIFF-APPELLEE, VS. ALVARO SUITOS, @ &#8220;BARANG,&#8221; WILSON SUITOS, VIC SUITOS, REY VILLAR, AT LARGE, ACCUSED-APPELLANT.**

*G.R. No. 85951. March 24, 1993*

Ponente: NOCON, J.

Read online (full-text search, related cases, audio case brief): <https://batas.org/library/g-r-no-85951/>

---

**NOCON, J.:**

This is an appeal from the August 12, 1988 decision of the Regional Trial Court, First Judicial Region, Branch 38, Lingayen, Pangasinan, in Criminal Case No. T-846-38, finding the accused Alvaro Suitos @ "Barang Suitos" guilty beyond peradventure of doubt in the commission of the crime of MURDER qualified by treachery, sentencing him to suffer the penalty of reclusion perpetua, to indemnify the heirs of the deceased, Jesus Ylarde, the sum of P20,000.00 as actual damages, P200,000.00 as the amount of support they receive or would have received from the deceased had he not died as a result of the killing and P30,000.00 as moral damages, without subsidiary imprisonment in case of insolvency and to pay the costs.[1]

The accused-appellant was charged in an information filed by Second Assistant Provincial Fiscal Conrado V. Peregrino on September 21, 1987, which reads:

"INFORMATION

The undersigned hereby accuses WILSON SUITOS, VIC SUITOS, BOY VILLAR and ALVARO SUITOS @ "Barang Suitos," of the crime of MURDER WITH THE USE OF UNLICENSED FIREARMS, committed as follows:

That on or about the 5th day of September 1987, in the evening, in the municipality of Umingan, 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, together with Sgt. Claro Suitos @ "Rey Suitos," PC, with intent to kill, with treachery and evident premeditation, did then and there willfully, unlawfully and feloniously shoot Jesus Ylarde with unlicensed firearms, inflicting upon him the following injuries:

- gunshot wound on the frontal area of head forehead mid area as point of entrance, has no point of exit
- gunshot wound on the abdomen, hypogastric region right superficial

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

Contrary to Article 248 of the Revised Penal Code in relation to Presidential Decree No. 1866."[2]

Upon arraignment, the accused Alvaro Suitos entered a plea of not guilty to the crime charged.[3] Trial against the said accused proceeded and the prosecution as well as the defense adduced their respective evidence. The other accused remain at large up to the present and have not yet been apprehended.

The trial court gave credence to the evidence of the prosecution, principally by the eye-witness accounts given by

the victim's teenage daughters. It held:

"The version of the prosecution that accused Alvaro Suitos alias Barang is a participes crimines is best shown by the oral testimony of prosecution witness Jovy Ylarde daughter of the deceased, who testified that while her father was conversing with her in front of their store in the afternoon of September 5, 1987, accused Wilson Suitos, Alvaro Suitos alias Barang and Boy Villar, coming from the east direction in front of an icecream house, all armed with short firearms, approached the deceased and without any word, Wilson Suitos shot her father hitting the latter on the forehead. Thereupon, Alvaro Suitos fired at the victim followed by Boy Villar. After the three accused fired their guns they ran towards the west direction, and moments thereafter, Vic Suitos and Rey Suitos riding in a tricycle followed them towards the same direction. This witness was able to recognize the assailants because she was very near her father and it was still bright as the sun was just setting down and she likewise knows all the accused long before the occurrence of the incident in question.

The testimony of Jovy Ylarde which directly implicate Alvaro Suitos in the commission of the offense imputed against him, finds strong corroboration in the declaration of Vivian Ylarde who is likewise a daughter of the victim. This witness claimed that she was inside their store few meters away from her father at the time the latter was shot and killed. She saw the three accused, Wilson Suitos, Alvaro Suitos and Boy Villar approached the victim and moments later she heard two gunshots and when she went out, she saw Boy Villar pointing his gun at her sister Jovy and when the latter ran and seek refuge behind their father, Villar fired his gun. This witness further testified when she went out, she saw Wilson Suitos and Alvaro Suitos holding their guns standing in front of her father and after Boy Villar had shot their father, the three accused ran towards the west direction. Dra. Thelma Busto who is a neighbor of the victim likewise testified that she heard three gunshots during the incident. Defense witness, Juan Ortiz also admitted that during the shooting, he heard three shots fortifying therefore the version of the prosecution witnesses that the three accused, namely, Wilson Suitos, Alvaro Suitos and Boy Villar actually fired at the victim." [4]

The accused invoked the defense of alibi, claiming that at 6:00 o'clock in the evening of September 5, 1987, he was in their house in barangay Nangcalabasaan, Umingan, Pangasinan, taking supper together with his brothers, mother and common-law wife. While they were eating, his neighbor Valeriana Silvera went to their house to borrow some rice for supper. After taking supper at 6:30 he went to the balcony of their house; ten minutes later he watched "Newswatch" on TV, and thereafter went to sleep. [5] The defense presented the neighbor who borrowed half a cup of rice and Gloria Licanda, the common-law wife of the accused to corroborate the defense of alibi. [6]

The trial court found the accused Alvaro Suitos alias Barang "guilty of the crime of MURDER as charged in the information filed against him beyond peradventure of doubt xxx." [7]

Accused now appeals the conviction alleging the following errors:

"I

THE TRIAL COURT ERRED IN NOT GIVING CREDENCE TO THE DEFENSE OF ALIBI RAISED BY ACCUSED-APPELLANT ALVARO SUITOS CONSIDERING THAT THE EVIDENCE FOR THE PROSECUTION CLEARLY FAILED TO ESTABLISH HIS PRESENCE AT THE SCENE OF THE CRIME AT THE TIME OF ITS COMMISSION.

II

THE TRIAL COURT ERRED IN FINDING THE ACCUSED-APPELLANT ALVARO SUITOS GUILTY BEYOND REASONABLE DOUBT OF THE CRIME OF MURDER." [8]

The presence of appellant at the scene of the crime was clearly established by the eyewitness testimony of the eighteen year old daughter of the deceased, Jovy Ylarde.

"Q:

Now, while you were in front of your store with your father conversing as you have said, was there anything unusual that happened?

A:

There was, sir.

Q:

Will you tell the Honorable Court what that unusual thing that happened?

A:

There were three men who suddenly shot my father, sir.

Q:

From where if you know did the three men come from?

A:

They came from the Ice cream house. The(y) came from in front of the ice cream house which is beside our house, sir.

Q:

Who were these three persons who suddenly appeared and shot your father?

A:

Wilson Suitos, Barang Suitos and Boy Villar, sir.

Q:

You mentioned as one of the three persons who suddenly appeared and shot your father this Barang Suitos, what relation has this Barang Suitos with one Alvaro Suitos whom you identified earlier?

A:

One and the same person, sir.

Q:

You said that the three persons namely, Wilson Suitos, Barang Suitos and Boy Villar suddenly appeared and shot your father. Do we get from you that the three shot your father at the same time?

A:

No, sir, they followed one after the other, sir.

Q:

They followed one after the other you said, will you tell the Honorable Court who was the first who shot, the second and the third?

A:

Wilson Suitos, followed by Barang Suitos and then Boy Villar, sir."[9]

Her younger sister, fifteen-year old Vivian Ylarde similarly testified:

"Q:

Now, you said you were inside the store when the three (3) approached your father, how did you see the three approach your father?

A:

While I was inside the store, I heard two shots and I went out immediately and my sister Juvy was calling my papa and Boy Villar pointed a gun at my sister Juvy, sir, and I saw my sister behind my father, and then Boy Villar shot my father, and after that they run away.

Q:

Whom do you refer as those who run away?

A:

Boy Villar, Barang Suitos and Wilson Suitos, sir."[10]

The defense has not been successful in assailing the credibility of the two eyewitnesses. They claim that being the daughters of the victim, the witnesses are extremely biased.[11] We do not believe that this is necessarily so. The trial court held:

"It is true and conceded that prosecution witnesses, Jovy and Vivian Ylarde being daughters of the deceased, cannot but have interest in the success of the prosecution, but the Court after a careful appreciation of their testimonies believes that whatever interest they have in avenging the dastard(ly) acts done to their departed father through the court of justice by filing the instant case, could not have induced them to falsely incriminate the accused knowing as they must have necessarily known that their testimonies in court could be the basis of his conviction and send said accused to a long stretch of prison term for a crime which he has not committed. Furthermore, the Court finds no reason to doubt the truth and veracity of the testimonies of these witnesses. Both testified in clear and positive manner. Their positive identification of the accused, Alvaro Suitos whom they knew for a long time as a participes crimines of the crime xxx, preclude the possibility of bad faith and fabrication on their part. Barring some minor contradictions in the testimony of these witnesses which are but natural in unrehearsed witness, there are no xxx acts committed by them while testifying that betray their frankness and candor which would give rise to impeach the truthfulness of their narrations in court."[12]

The trial court's appreciation of the testimonies of the witnesses, both of content and manner, is based on thorough and meticulous evaluation. Its findings are naturally accorded great weight and respect, there being no reason to rule otherwise. Furthermore, the relation of the witness to the victim does not necessarily disqualify her on grounds of bias and undue interest.[13]

The defense argues that the witnesses Jovy and Vivian Ylarde merely implicated the accused in the killing of their father. Defense cites an answer given by Jovy Ylarde in her sworn statement as illustrative of their bias against accused, to wit:

"14. Q: Do you know of any cause or causes behind the shooting to death of your father?

A: I believed it has something to do with the courtship of Boy Suitos, a soldier assigned at Camp Dangwa, Benguet. My father advised me not to entertain him because he is a married man. On the evening of September 2, 1987, this Boy Suitos who was then under the influence of liquor went to our house in Umingan. He was able to talk with my sister Vivian and persuaded her to call me. My sister came to me then but I told her that I

do not like to talk to him. (Exhibit "1," Sworn Statement of Jovy Ylarde, p. 1)"[14]

We see no reason why the witnesses, Jovy and Vivian Ylarde would implicate the accused Alvaro Suitos based on the above statement. On the contrary, the above-quoted statement even reveals a possible motive for the Suitoses to kill Jesus Ylarde. The deceased objected to the courtship of Boy Suitos and his daughter Jovy. Is it not true then, that the Suitoses would have more reason to be angry with and kill the deceased?

Next, the defense claims that the implication of the accused to the killing of Jesus Ylarde was a mere afterthought because the witnesses did not disclose the identities of the assailants to the police when they were asked immediately after the crime.[15] This contention, likewise cannot be sustained. On rebuttal, Jovy Ylarde testified that she mentioned the Suitos(es) to the police when she was questioned after the crime.[16] In this regard, the trial court held:

"xxx. It may be true that Jovy was not able to give the identity of the assailants due to an extreme shock and panic produced by the sudden and unexpected demise of her father who was brutally killed under her own eyes. xxx. In fact Patrolman Bautista admitted that when they arrived in the place of the shooting, Jovy was in panic, crying bitterly and jumping."[17]

Even assuming that the witness Jovy Ylarde was unable to give the names of the assailants when asked after the crime, her credibility does not suffer on this score alone. The lower court's explanation as quoted above is satisfactory and in consonance with the evidence on record.

In the light of the positive testimony of the two eyewitnesses pointing to the accused Alvaro @ "Barang" Suitos as one of the assailants, the defense of alibi cannot prevail. It has been consistently held that the defense of alibi will not prosper where the accused is positively identified and there is no physical impossibility of his having committed the crime charged.[18] The physical impossibility of the accused having committed the crime is negated by the following testimony of the accused himself on cross examination:

"Q:

You are a resident of Nancalabasaan, Umingan, Pangasinan, while the deceased Martin or Jesus Ylarde was a resident of Poblacion, Umingan, Pangasinan, how far is your barangay to the Poblacion particularly to the place or house of Martin or Jesus Ylarde?

A:

From my house to the house of Martin Ylarde is one (1) kilometer, sir.

xxx.

Q:

How long will it take you from your house to the town proper?

A:

Around five (5) minutes, sir.

Q:

How about if you ride in a tricycle, how long will it take you to negotiate from your house to the town?

A:

The same, sir.

Q:

But when the tricycle or jeep that you ride runs fast you could reach the Poblacion within a shorter period of time, say one (1) or two minutes something like that?

A:

Yes, sir."[19]

Furthermore, defense claims that the testimony of Juan Ortiz, that Alvaro Suitos was not among the men he saw running from the direction of the scene of the crime, should be considered as corroborative to the defense of alibi.[20] The lower court ruled that this testimony of Juan Ortiz cannot overcome the positive testimonies of Jovy and Vivian Ylarde and that a negative testimony cannot prevail over a positive assertion.[21] We affirm the trial court's pronouncements on this matter. The testimony of 70-year old Juan Ortiz, which is characterized by lack of clarity and cohesiveness, cannot prevail over the positive identification of the accused by the eyewitnesses.

Lastly, the defense argues that the accused is innocent because he did not flee to escape prosecution. It is true that flight, when unexplained, is an admission by conduct and a circumstance from which an inference of guilt may be drawn.[22] But the reverse does not automatically make the accused guilt-free.

After reviewing the records of the case, We find that the trial court was correct in holding that the crime committed was Murder qualified by treachery.

Jesus Ylarde was killed by a gunshot wound on his forehead. He was shot before the very eyes of his daughters. The witnesses in this case, daughters of the victim, positively identified the assailants who shot their father. The three men armed with guns, who took turns shooting at Jesus Ylarde, were identified as Wilson Suitos, Alvaro @ "Barang" Suitos and Boy Villar. The accused Alvaro Suitos is found to have also shot at the victim, in concert with his companions.

While the information alleges evident premeditation and treachery as qualifying circumstances, evidence for the prosecution is insufficient to prove the first circumstance. However, the trial court correctly appreciated the qualifying circumstance of treachery against appellant.

There is treachery when the offender commits any of the crimes against persons employing means, methods, or forms in the execution thereof which tend directly and specially to insure its execution without risk to himself arising from the defense which the offended party might make.[23]

In *People v. De la Cruz*,[24] We reiterated that for treachery to be present, two conditions must concur: "(a) the employment of means of execution that gives the person attacked no opportunity to defend himself or retaliate, and (b) that said means of execution was deliberately or consciously adopted."

These conditions have been met in the case at bar. Here, three armed men, including the accused, suddenly appeared before the victim and shot at him thrice in quick succession. There was no warning, the victim had no idea that these men were going to attack him. He was outside the store he was tending, talking with his teenage daughter. In addition, although the first wound (on the forehead) was already fatal, they continued to shoot at him to ensure his death. The acts committed by the accused and his companions are considered treacherous for the shooting was so sudden and unexpected leaving the victim in no position to defend himself.[25]

The acts of the accused and his companions could not have been but deliberately and consciously adopted. All three men were armed with handguns. They surprised the victim when they arrived at the same time. And after they were through with the victim, they all ran in the same direction.

From the foregoing, the conviction of appellant must be upheld.

After reviewing the records of the case, We find that a modification in the indemnity awarded is in order. Actual damages were proved in the amount of P11,575 and not P20,000 as found by the trial court. In determining the loss of earning capacity of 49 year old Ylarde, We use the formula for life expectancy adopted in *Davila v. CA*:<sup>[26]</sup>  $2/3 \times (80-49)$  = life expectancy of 20 years. This figure is multiplied by the annual net income of the deceased (P16,000), equivalent to P320,000 to fix the amount of loss of earning capacity. Death indemnity in the amount of P50,000 is also awarded.<sup>[27]</sup>

The award of indemnity to the heirs of Jesus Ylarde is modified and accused is hereby ordered to pay: actual damages in the amount of P11,575; death indemnity in the amount of P50,000; loss of earning capacity in the amount of P320,000; and moral damages in the amount of P20,000 without subsidiary imprisonment in case of insolvency.

WHEREFORE, the decision appealed from is hereby AFFIRMED subject to the modifications stated above. Costs against the accused-appellant.  
SO ORDERED.

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

---

[1] Decision, pp. 10-11; Rollo, pp. 92-93.

[2] Rollo, pp. 3-4; Records, pp. 1-2.

[3] Records, p. 39.

[4] Decision, pp. 8-9; Records, pp. 92-93.

[5] T.S.N., March 10, 1988, p. 56.

[6] *Id.*, p. 6; Records, p. 90.

[7] *Id.*, p. 10; Records, p. 94.

[8] Brief for Accused-Appellant, p. 7; Rollo, p. 77.

[9] T.S.N., February 2, 1988, pp. 29-31.

[10] T.S.N., February 3, 1988, pp. 9-10.

[11] Brief for Accused-Appellant, p. 9; Rollo, p. 79.

[12] Decision, p. 9; Records, p. 93.

[13] *People v. Dela Cruz*, 207 SCRA 643 (1992), citing *People v. Salazar*, 58 SCRA 467 (1974); *People v. Legaspi*, 151 SCRA 670 (1987); *People v. Atencio* 156 SCRA 242 (1987); and *People v. Javier*, 182 SCRA 830 (1990).

[14] Brief for Accused-Appellant, p. 9; Rollo, p. 79.

[15] *Id.*, p. 10; Rollo, p. 80.

[16] T.S.N., May 13, 1988, p. 3.

[17] Decision, p. 10; Records, p. 94.

[18] *People v. Martinada*, 194 SCRA 36 (1991); *People v. Belibet*, 199 SCRA 587 (1991).

[19] T.S.N., March 10, 1988, pp. 45-48.

[20] Brief for Accused-Appellant, pp. 10-11; Rollo, pp. 80 -81.

[21] Decision, p. 10; Records, p. 94.

[22] *U.S. v. Sarikala*, 37 Phil 486 (1918); *People v. Mercado*, 190 SCRA 452 (1990).

[23] *People v. Tiozon*, 198 SCRA 368 (1991); *People v. Lacao, Sr.*, 201 SCRA 317 (1991).

[24] 207 SCRA 649-650 (1992); citing *People v. Mabubay*, 185 SCRA 675 (1990).

[25] *People v. Aguilar*, 88 Phil 693 (1951); *People v. Simene*, 184 SCRA 99 (1990); *People v. Literado*, 209 SCRA 319 (1992).

[26] 28 SCRA 497 (1968); cited in *People v. Daniel*, 136 SCRA 104 (1985).

[27] *People v. Sison*, 189 SCRA 643 (1990); *People v. Sazon*, 189 SCRA 700 (1990).

**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.