

PEOPLE OF THE PHILIPPINES, PLAINTIFF-APPELLEE, VS. EDUARDO AMANIA AND GAUDENCIO GUEVARRA, ACCUSED-APPELLANTS.

G.R. No. 97612. March 23, 1993

Ponente: REGALADO, J.

Read online (full-text search, related cases, audio case brief): <https://batas.org/library/g-r-no-97612/>

REGALADO, J.:

Accused-appellants Eduardo Amania and Gaudencio Guevarra were charged before Branch XXXIV of the Regional Trial Court of Dumaguete City with the crime of robbery with double homicide in an information filed in Criminal Case No. 7942 which alleges:

"That on or about July 14, 1987, at 4:00 o'clock in the afternoon, more or less, at Sitio Talustos, Barangay Amio, Sta Catalina, Negros Oriental, Philippines, and within the jurisdiction of this Honorable Court, the above-named accused, conspiring, confederating and mutually helping one another, did then and there, wilfully, unlawfully and feloniously, with evident premeditation and intent to kill, waylay and ambush, assault, attack and use physical violence upon PRIMO OMANGAY and MACARIO OMANGAY, with the use of bolos with which they were armed and provided, thus inflicting multiple injuries on vital parts of (the) victims' bodies, which injuries caused the victims' death sometime thereafter; and in pursuance of their criminal design, after having used violence against persons, the above-named accused, with intent (to) gain and without the consent of the afore-named victims, did then and there, willfully, unlawfully and feloniously take, steal and carry away from the person of PRIMO OMANGAY the amount of SEVEN HUNDRED PESOS (P700.00), Philippine currency, in a plastic container and placed inside (the) victim's pocket, and one-half (1/2) sack of corn grits; and from MACARIO OMANGAY, another one-half (1/2) sack of corn grits, the corn grits having a total value of TWO HUNDRED NINETY PESOS (P290.00), to the damage and prejudice of said victims in the aforestated amounts." [1]

Appellants, duly assisted by counsel, both pleaded not guilty when arraigned. After trial, the lower court found them both guilty as charged and sentenced them to suffer the penalty of reclusion perpetua; to return to the heirs of the victims the sum of P700.00 and one sack of corn grits, or to pay the amount of P350.00 representing the value of the latter item; and to respectively indemnify the heirs of Primo Omangay and Macario Omangay in the sum of P30,000.00 for each of said victims. [2]

Hence, this appellate review, appellant Amania contending that the trial court gravely erred in disregarding appellant's claim of self-defense and convicting him of robbery with double homicide instead of simple homicide, "granting without admitting that he is guilty." [3] Appellant Guevarra, who appealed as a pauper-litigant, was unable to file his brief allegedly because of his failure to secure the complete transcripts of stenographic notes, free of charge. Accordingly, he manifested his desire to adopt his co-appellant Amania's brief. [4]

The People's version of the case, which has been correctly summarized by the trial court, is reproduced hereunder:

"The theory of the prosecution as testified to mainly by Arsenia Omangay and Isidra Omangay is that at around 4:00 o'clock in the afternoon of July 14, 1987 while they, Arsenia and Isidra Omangay, together with Leonides Omangay and victims Primo Omangay and Macario Omangay were negotiating (walking in a single

file) a small trail at Sitio Talustos, Barangay Amio, Sta. Catalina, Negros Oriental, accused Eduardo Amania, sitting on a stone at the left side of the trail suddenly stabbed with his bolo victim Primo Omangay. Immediately after he fell down, co-accused Gaudencio Guevarra, who was standing at the right side of the trail, suddenly hacked several times and beheaded victim Macario Omangay. After killing the two victims, Amania carried away the half sack (of) corn grits earlier carried by Primo while Gaudencio Guevarra got the P700.00 which was wrapped in plastic and placed inside the pocket of Primo and also carried away the other half sack of corn grits earlier carried by Macario Omangay. Upon seeing Primo who was the husband of Arsenia and father of the other Omangays, and Macario, the son of Primo and Arsenia, killed, Arsenia, Isidra and Leonides fled as the two accused also attempted to assault them as in fact they chased them, though for a short distance. The two accused then carried away the two victims' load and left.[5]

On the other hand, appellant Eduardo Amania's version, as condensed in his brief, is of the following tenor:

"On July 14, 1987 at about 4:00 o'clock in the afternoon, accused-appellant Eduardo Amania was on his way home after spear-fishing at the Talustos river, (in) Barangay Amio, Sta. Catalina, Negros Oriental. Primo Omangay was on his way home together with his son Macario, wife Arsenia and a daughter. Primo inquired from accused-appellant if he have (sic) plenty of catch and the latter answered he had no catch. Primo and Macario were not carrying any bundles while Arsenia and her daughter carried plastic bags. Macario Omangay cut a fruit-bearing banana tree growing by the roadside within Gaudencio Guevarra's property, thus prompting Primo to invite Amania to their house to eat the bananas gathered by his son. Meanwhile, Guevarra who was gathering firewood within his farmland, heard the sound of a falling banana tree. He rushed to the site and admonished Macario saying: 'So you are the one cutting down my bananas.' Macario, holding his bolo used in cutting down the banana tree, rushed towards Guevarra and stabbed the latter. Guevarra dropped his bundle of firewood and fled, pursued by Macario. Arsenia and her daughter ran home. Primo told Amania to chase Guevarra. Primo became angry and boxed Amania on the chest when the latter refused to follow his order. As a result, Amania stabbed Primo once on the left abdomen. Amania ran away and proceeded to surrender to Noe Romero, barangay captain of Barangay Marsogomayon, Sta. Catalina." [6]

Appellant Gaudencio Guevarra testified at about 4:00 o'clock in the afternoon of July 14, 1987 he was bundling firewood in his farm when he heard a banana tree fall, prompting him to investigate. He saw Macario Omangay, who at that time was with his father Primo, his mother Arsenia, his sister Isidra and Eduardo Amania, cut down his banana tree. He admonished Macario for cutting down his banana tree without permission and the latter retorted, "Who are you to admonish here?", and immediately rushed towards him. Gaudencio ran away and was chased by Macario who was carrying a bolo. When Gaudencio reached the river, he slipped and was able to lean on a rock. Macario tried to hack him thrice but he was able to evade the blows. Fearing for his life, Gaudencio successively hacked Macario. He immediately left Macario, who was still breathing at that time, and ran to the house of Noe Romero, the barangay captain, to surrender.[7]

Before proceeding to the merits of the case, the Court would like to reiterate some elementary but fundamental principles which are material hereto but which have apparently been overlooked. The decision rendered by the trial court convicted both appellants of robbery with double homicide. Time and again, this Court has held that there is no crime of robbery with double homicide. The term "homicide" in paragraph 1, Article 294 of the Revised Penal Code is to be understood in its generic sense.[8] The juridical concept of the special complex crime of robbery with homicide does not limit the taking of human life to one single victim.[9] In this special complex crime, the homicides or murders and the physical injuries, irrespective of their number, committed on the occasion or by reason of the robbery are merged in the single composite crime of robbery with homicide.[10] Therefore, the crime in this case should have been properly denominated as robbery with homicide.

Again, in criminal cases the burden of proof is generally on the prosecution. The prosecution must rely on the strength of its evidence and not on the weakness of the defense. Herein appellants have raised self-defense,

thereby shifting the burden of evidence to them and the onus of which they must satisfactorily discharge, otherwise conviction would follow from their admission that they killed the victim.[11] Further, appellants must this time rely on the strength of their own evidence and not on the weakness of that of the prosecution, for even if that were weak, it cannot be disbelieved after appellants themselves admitted the killing.[12]

Still on the basics, paragraph 1, Article 11 of the Revised Penal Code provides that the requisites of self-defense are unlawful aggression, reasonable necessity of the means employed to prevent or repel it, and lack of sufficient provocation on the part of the person defending himself. For self-defense to prosper, it must be positively shown that there was a previous unlawful and unprovoked attack that placed the life of the accused in danger and forced him to inflict more or less severe wounds upon his assailant, employing therefor reasonable means to resist said attack.[13]

Hence, the twin issues to be resolved in the case at bar are whether or not appellants acted in complete self-defense in respectively killing Primo Omangay and Macario Omangay, as they claim, thus absolving both of them from criminal liability; and, in the negative, what crime was actually committed by herein appellants.

Essentially involved, in view of the conflicting submissions of the prosecution and the defense, is the matter of the credibility of their respective theories. While it is the rule, so well-settled as to warrant dispensing with any citation of authorities, that the evaluation of the credibility of witnesses is generally within the province of the trial court which is better circumstanced because of its direct role in the reception of the testimonial evidence, a thorough review of the evidence in the case, particularly the testimonies reflected in the transcripts of the stenographic notes taken at the trial, persuades us that there are certain aspects in the respective versions of the contending parties which do not justify our acceptance thereof in toto. In fine, what actually happened in the criminal offenses charged here is somewhat deducible from the evidence for both sides, and the truth appears to be somewhere in the middle under a situation contemplated in the so-called dictum of *veritas in medio stat*.

The Court is not inclined to fully accept the thesis of the People in light of some conflicts in the testimonies of its principal witnesses Arsenia and Isidra Omangay, both members of the immediate family of the victims, and by reason of the absence of competent evidence to establish the elements and commission of one of the component felonies for the special complex crime imputed to appellants.

For instance, when Arsenia Omangay was queried on cross-examination as to where appellants were situated shortly prior to the homicidal attack, she declared that she saw appellant Amania quietly sitting on a big stone on the side of the pathway on which the victims and their family were walking, while appellant Guevarra was standing on the other side of that path.[14] On the other hand, Isidra declared that both appellants were gathering firewood at that time, which declaration she later corrected to mean that they were chopping wood while sitting on different stones.[15]

Again, although both the defense and the prosecution apparently failed to discern the same and raised no issue thereon, another contradiction surfaces from the testimonies of Arsenia and Isidra with respect to the alleged relative positions of the victims and their family members accompanying them at the time of the commission of the killing. Arsenia narrated that when the assault took place, they were all walking, in single file, on an inclined pathway in this order -- Isidra walking ahead, followed by Leonides, Arsenia, Primo and then Macario. When the victims were attacked by appellants,[16] the others ran forward in the direction going uphill.[17]

Contrarily, Isidra avowed that although they were indeed walking in single file, at the time of the incident they were proceeding in the following order -- Primo being in the lead, followed by Macario, Isidra, Leonides and Arsenia.[18] Thereafter, Isidra admitted that she, her mother Arsenia and sister Leonides ran away and "had taken a complete about face and taken a direction opposite to the direction when (they) were proceeding home,"[19] that

is, this time by going downhill.

While the foregoing observations do not suffice to completely discredit said witnesses, they do cast serious doubts on the prosecution's position on the mode of commission adopted by appellants in the killings although said crimes were admitted by them, and also on the matter of the alleged robbery. While the Court is inclined to be lenient in its appreciation of the testimonies of said witnesses who are unschooled and simple country folk, nevertheless their conflicting testimonies reveal, if they are reflective of anything at all, that their powers of recollection and capacity to narrate the details of what they supposedly observed are to be evaluated with caution.

Thus, since the apparent thrust of the submission of the prosecution which is sought to be established by the declaration of said witnesses is that the killings were attended by treachery in view of the alleged sudden and unexpected attack launched by appellants, we are not persuaded to accept the same as gospel truth. At any rate, not having been alleged in the information, treachery cannot be considered as a qualifying circumstance in the deaths of the two victims, and neither can it be considered as an aggravating circumstance for lack of evidence that the supposed treacherous mode of commission was deliberately adopted by appellants to specially ensure their commission of the crimes with impunity.

Aside from the foregoing flaws in the prosecution's evidence as to how the victims were killed, that deficiency is more pronounced with respect to the charge of robbery which is the principal felony with which the homicides are sought to be complexed. On this point, the settled doctrine is that to integrate the component felonies of this complex crime, the killing must have been directly connected with the robbery. It is necessary that there must have been an intent on the part of the offenders to commit robbery from the outset and, on the occasion or by reason thereof, a killing takes place.[20] The original design must have been robbery and the homicide, even if it precedes or is subsequent to the robbery, must have a direct relation or was committed with a view to consummate the robbery,[21] and not where the taking of the property was only an afterthought which arose subsequent to the killing.[22] The records of this case do not yield the requisite quantum of evidence on the aforesaid requisite which would produce the special complex crime charged. In fact, we have reason to believe that the incident was unpremeditated for when appellant Amania went to surrender to the barangay captain thirty minutes thereafter, he was half-naked since he had just come from spear-fishing in the river and had merely proceeded thereafter to the scene of the crime.[23]

The prosecution having thus failed to demonstrate the commission of the special complex crime of robbery with homicide, the inquiry then is whether or not the defense has, on its part, proved that appellants can be absolved of the homicidal acts committed by them under their invocation of the justifying circumstance of self-defense. The records of the case give us a negative answer.

Appellant Amania narrated the events which led to the death of Primo Omangay in this wise:

“Q

When Gaudencio Guevarra ran away chased by Macario Omangay, what did you do?

A

(O)n my part, I was told by the father of Macario Omangay to run also after Gaudencio since I did not take part in cutting the banana tree.

Q

When you made that reply, what did Primo Omangay do, if any?

A

Because I did not help chasing, he boxed me.

Q

Who boxed you?

A

Primo Omangay.

Q

Where were you hit?

A

I was hit here, (the witness pointed to his chest) but I did not f(a)ll down.

Q

Now, after Primo Omangay boxed you and hit your chest, what did you do?

A

Because he boxed me and I was hit here and since I have (sic) also a bolo, I dr(e)w my bolo and stabbed him and ran away." [24]

Even indulging appellant Amania in his asseverations, the same nonetheless disclose that he was not justified in stabbing Primo Omangay. Assuming that the victim did deal a fistblow on said appellant, which may be considered as unlawful aggression, the second requisite for self-defense is not present. There should be a necessity in both the action taken as well as the means used, and the latter depends on whether or not the aggressor himself was armed, the nature and quality of the weapon used and the physical condition and size of both the aggressor and the person defending himself. Primo Omangay was unarmed. Although a bit taller, Primo was of the same size as appellant Amania.[25] The means used by appellant Amania was clearly unreasonable for, as we have held in *People vs. Montalbo*,[26] "(t)hough the deceased struck him with his fists, the appellant was not justified in mortally wounding his assailant with the penknife. This was not a reasonably necessary means of repelling the attack."

The plea of appellant Amania could, at best, fall under the ordinary mitigating circumstance of incomplete self-defense under paragraph 1, Article 13 of the Revised Penal Code, since there is also no conclusive evidence with the respect to the third requisite for self-defense. We do not believe, however, that appellant Amania can even be granted this ordinary mitigating circumstance since, aside from the testimonies of witnesses Arsenia and Isidra Omangay, we entertain grave doubts on the veracity of appellant Amania's allegation that he was the victim of an unlawful aggression considering the mercurial changes in his assertions. For, before giving the aforesaid reason why he killed Primo Omangay, said appellant had earlier given another on the witness stand, as follows: "I killed him because when we were on the way, the son cut the banana tree of Gaudencio Guevarra." [27] On the other hand, Noe Romero, barangay captain of Marsagomayon, Sta. Catalina, testified that when appellant Amania surrendered to him, said appellant told him that he killed Primo Omangay because the latter chased him.[28]

With respect to appellant Guevarra, his story, as earlier narrated, is that Macario Omangay chased him with a bolo and tried to hack him three times. Fortunately, so he claims, he was able to evade the hacking blows, and he then hacked Macario several times.[29] Obviously, said appellant was emboldened in spinning this tale by his awareness of the fact that there were no eyewitnesses present at the scene of the alleged fight between him and the

victim. However, there are certain physical facts and indicia that belie his aforesaid contentions which, parenthetically, also stand completely uncorroborated.

For one, as we have earlier observed, we have the testimonies of the mother and sister of the victim, witnesses Arsenia and Isidra Omangay, which, although we did not fully credit the same with respect to some attendant details, we nevertheless accept with regard to the main substance thereof, that is, that appellant Guevarra was the unprovoked assailant of said victim while the latter was walking on the trail.

In view of the importance thereof to this particular aspect of the case, we reproduce the documented counterstatement of the facts by the Solicitor General:

"Arsenia was the first to see appellant Eduardo Amania. Appellant Amania was sitting on a rock at the side of the trail holding an unsheathed bolo. At the opposite side of the path stood Gaudencio Guevarra who also held a bolo. x x x (pp. 7-13, tsn, August 10, 1988).

"She was, however, startled when appellant Amania suddenly lunged at her husband who was walking behind her. Appellant Amania stabbed Primo on the left side of the body causing him to fall (p. 13, tsn., August 10, 1988; p. 23, tsn., January 11, 1989).

"Almost at the same time, Gaudencio Guevarra relentlessly hacked Macario fourteen times on various parts of the body. Not satisfied, Guevarra decapitated the then prostrate Macario (p. 23, tsn., January 11, 1989; p. 7, tsn., June 29, 1988).

x x x

"Both Primo and Macario Omangay died on the spot from the wounds they sustained." [30]

That Macario Omangay was killed right along the side of the trail in Sitio Talustos is not seriously disputed by the defense. Aside from a token argument that "(i)t is quite inconceivable to propose that the malefactors would have dared staged (sic) such a serious felony in broad daylight in the middle of the sitio's main path, x x x," [31] the defense has not presented any evidence to prove that said victim was killed elsewhere. This, therefore, completely refutes appellant Guevarra's testimony that he killed the victim beside the river after he was chased there by the latter. By his own admission, the distance from the side of the trail in question up to the side of the river where he supposedly killed the victim in self-defense is about "50 arms length" or around sixty meters. [32] In fact, he even admitted that he did not tell the barangay captain to whom he surrendered to get from the scene of the supposed fight the bolo which the victim allegedly had, nor did he tell the police in Sta. Catalina to whom he was shortly thereafter turned over that the victim had a bolo, much less that he killed the victim in self-defense. [33]

Moreover, the number of wounds inflicted on the victim, their location on his neck, back, lap and abdomen, as well as their depths and areas of penetration constitute ample evidence belying self-defense. In the case at bar, Macario Omangay sustained fourteen wounds, one of which almost completely severed his head. As we observed in *People vs. Garachico, et al.*, [34] "(t)he wounds inflicted upon the victim by the two accused who were not wounded at all, sufficiently disprove their allegation that they acted in self-defense."

Now, although the burden of evidence had shifted to the defense for having invoked self-defense, still the burden of proof lies with the prosecution. Unlike the burden of evidence which shifts from one party to the other, the burden of proof always lies with the prosecution. [35] Therefore, the elements of the composite crime of robbery with homicide, as well as its attendant circumstances and the fact that appellants are guilty thereof, must still be proved by the prosecution.

While the People, as earlier explained, failed to prove said special complex crime, the evidence fully sustains the charge that appellants killed the victims Primo and Macario Omangay. With respect to the unlawful taking of their

lives, appellants miserably failed in their bid for exoneration by their allegedly having acted in self-defense. Furthermore, appellants having admitted the homicidal acts, the Court is left with no option but to find each of them guilty of homicide, appellant Amania for the death of Primo Omangay and appellant Guevarra for the death of Macario Omangay, there being no qualifying circumstance attending the killing and no evidence of conspiracy between appellants having been proved.

Barangay captain Noe Romero testified that at around 4:30 P.M. of that fateful day, appellant Amania surrendered to him, followed for the same purpose by appellant Guevarra some thirty minutes later.[36] A barangay captain or chairman was and still is considered a person in authority.[37] Hence, appellants Amania and Guevarra may be granted the mitigating circumstance of voluntary surrender, without any aggravating circumstance to offset the same since the allegation of evident premeditation is without evidentiary basis, with the result that the penalty of reclusion temporal for homicide shall be imposed in its minimum period.

WHEREFORE, the judgment appealed from is hereby SET ASIDE and another is rendered finding accused-appellants Eduardo Amania and Gaudencio Guevarra GUILTY of the crime of homicide, and each of them is sentenced to serve an indeterminate penalty of twelve (12) years of prision mayor, as minimum, to fourteen (14) years and eight (8) months of reclusion temporal, as maximum. Said accused-appellants Eduardo Amania and Gaudencio Guevarra are hereby further ordered to respectively INDEMNIFY the heirs of the victims Primo Omangay and Macario Omangay in the amount of P50,000.00 for each victim, in line with our current jurisprudential policy on such civil liability ex delicto.

SO ORDERED.

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

[1] Original Record, 2.

[2] Ibid., 200; per Judge Rosendo B. Bandal, Jr.

[3] Rollo, 53.

[4] Rollo, 120.

[5] Original Record, 195.

[6] Rollo, 55-56.

[7] TSN, October 11, 1990, 18-25.

[8] People vs. Revotoc, et al., 106 SCRA 22 (1981).

[9] People vs. Ampo-an, et al., 187 SCRA 173 (1990).

[10] People vs. Solis, et al., 182 SCRA 182 (1990).

[11] People vs. Uribe, 182 SCRA 624 (1990).

[12] People vs. Ansoyon, 75 Phil. 772 (1946); People vs. Caparas, et al., 102 SCRA 781 (1981); People vs. Gadiano, 115 SCRA 559 (1982).

[13] People vs. Madali, et al., 188 SCRA 69 (1990).

[14] TSN, August 10, 1988, 9.

[15] Ibid., January 11, 1989, 18-19, 22.

[16] Ibid., August 10, 1988, 12-18.

[17] Ibid., id., 16.

[18] Ibid., January 11, 1989, 13.

[19] Ibid., Id., 24.

[20] People vs. Elizaga, et al., 86 Phil. 364 (1950).

[21] People vs. Verdad, 122 SCRA 239 (1983), and cases cited therein.

[22] People vs. Elizaga, et al., v.a.; People vs. Aquino, et al., 124 SCRA 835 (1983).

[23] TSN, October 17, 1990, 9.

[24] TSN, October 10, 1990, 16.

[25] TSN, November 15, 1988, 20.

[26] 56 Phil. 443 (1931).

[27] TSN, October 10, 1990, 14.

[28] Ibid., October 17, 1990, 9.

[29] Ibid., October 11, 1990, 23-24.

[30] Brief for the Appellee, 5-6; Rollo, 99-100.

[31] Brief for Accused-Appellant Eduardo Amania, 6; Rollo, 58.

[32] TSN, October 17, 1990, 2.

[33] Ibid., id., 3.

[34] 113 SCRA 131 (1982).

[35] Bautista vs. Sarmiento, et al., 138 SCRA 587 (1985); 20 Am. Jur., Evidence, 132.

[36] TSN, October 17, 1990, 8-9.

[37] Art. 152, Revised Penal Code, as amended by R.A. No. 1978, et seq. See also Sec. 388 of the local Government Code (R.A. No. 7160).

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.