

PEOPLE OF THE PHILIPPINES, PLAINTIFF-APPELLEE, VS. RONILO MACHETE ALIAS “PAWE” AND RENE O. MACHETE ALIAS “EBOY” (AT LARGE), ACCUSED. RONILO MACHETE ALIAS “PAWE,” ACCUSED-APPELLANT.

G.R. Nos. 103287-88. March 14, 1994

Ponente: FELICIANO, J.

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FELICIANO, J.:

This is an appeal from the decision of the Regional Trial Court finding appellant Ronilo Machete guilty of the crimes of murder and serious physical injuries.

Ronilo Machete, together with Rene O. Machete, was charged in three (3) separate informations:

1. In Criminal Case No. N-1468, he was charged, along with Rene O. Machete with the crime of murder with assault upon a person in authority, for attacking Pat. Panfilo Mendoza and Pat. Leonilo Maranga and the eventual fatal shooting of Pat. Mendoza;
2. In Criminal Case No. N-1469, Ronilo Machete and Rene O. Machete were charged with the attempted murder of Juanito Narrido, who suffered gunshot wounds on the same occasion that saw the killing of Pat. Mendoza; and
3. In Criminal Case No. N-1470, Ronilo and Rene Machete were charged with attempted murder in connection with the infliction of gunshot wounds upon Elmeo Sabah on the same occasion when Pat. Mendoza was killed and Juanito Narrido wounded by gunfire.

In the subsequent trial, only Ronilo Machete was prosecuted, his co-accused and cousin Rene O. Machete having managed to elude arrest. At arraignment, Ronilo pleaded not guilty to all the charges against him in the three (3) informations. After a joint trial of all three (3) cases, the trial court convicted Ronilo Machete for the crime of murder and serious physical injuries. The dispositive portion of the decision reads as follows:

"WHEREFORE, premises considered, the Court finds the accused GUILTY beyond reasonable doubt of Murder in criminal case no. N-1468 as defined and penalized in Article 248 of the Revised Penal Code and sentences him to suffer and undergo imprisonment of reclusion perpetua; to indemnify the heirs of Panfilo Mendoza the sum of P50,000.00 without subsidiary imprisonment in case of insolvency and to pay the costs;

In criminal case N-1469 he is found GUILTY beyond reasonable doubt of serious physical injuries defined and penalized under Article 263 (3) of the Revised Penal Code; applying the Indeterminate Sentence Law the court sentences him to suffer and undergo imprisonment of four (4) months and twenty (20) days of arresto mayor as minimum to two (2) years and eleven (11) months and ten (10) days of prision correccional as maximum; to indemnify Juanito Narrido the sum of P15,000.00 without subsidiary imprisonment in case of insolvency and to pay the costs;

In criminal case N-1470 he is ACQUITTED for insufficiency of evidence. The accused is credited with the full

period of his preventive imprisonment.”[1]

In the present appeal, Ronilo Machete assigns the following as errors:

I.

The trial court erred in finding accused-appellant guilty beyond reasonable doubt of the crimes charged and in giving credence to the testimonies of the prosecution witnesses and disregarding that of the defense.

II.

Granting without admitting that, it was Ronilo Machete who shot Pat. Panfilo Mendoza, the trial court erred in finding him guilty beyond reasonable doubt of the crime of murder despite the absence of qualifying circumstance of treachery.”[2]

The evidence of the prosecution consisted principally of the testimony of Pat. Maranga and Juanito Narrido and tended to prove the following as the relevant facts.

On 20 January 1987, Pat. Maranga and Pat. Mendoza were assigned as security officers at a public benefit dance in Sitio Bigaa, Barangay San Pablo, Naval, Leyte. They arrived at the situs of the dance at around 8:45 p.m. and stationed themselves at the travelling store of one Maria Juanes which had been set up at the edge of the dance area. Maria Juanes offered the two (2) police officers coffee which they accepted and drank as they manned their station.

While the two (2) policemen were sitting next to each other by the travelling store, Ronilo Machete came up from behind them and suddenly grabbed the armalite rifle held by Pat. Mendoza and immediately pointed the rifle at Pat. Maranga; the latter's own rifle was then taken by Rene Machete. When the two (2) Machetes moved away, Pat. Mendoza followed in the effort to retrieve his rifle. Ronilo Machete saw Pat. Mendoza following them and he fired at him, hitting him with several bullets. After shooting down Pat. Mendoza, Ronilo also fired at the crowd at the dance area, hitting Juanito Narrido in the process.

When Pat. Mendoza was gunned down, Pat. Maranga ran into the crowd to seek cover. Pat. Maranga heard several more shots fired and then the firing stopped. The two (2) accused Machetes fled with the police officers' rifles.

The body of Pat. Mendoza was brought to the district hospital of Naval where he was examined by a Dr. Medalla. The Medical Certificate issued by Dr. Medalla stated that Pat. Mendoza had sustained six (6) gunshot wounds, two (2) of which clearly showed that they were sustained while the victim was lying on the ground.

Appellant Ronilo Machete offered his own version of the events of that night. In his version, it was his cousin Rene Machete who had gunned down Pat. Mendoza and who had continued to fire at Mendoza while he lay on the ground. The testimony of Ronilo Machete was summed up by the trial court in the following terms:

"Accused Ronilo Machete testified to prove that it was his cousin Rene (@Eboy) Machete who shot and killed Pat. Panfilo Mendoza and hit Juanito Narrido in the process also. He claimed that when Pat. Mendoza started out to take his dancing partner he was bumped by Rene @Eboy who was hurrying up to get a partner to dance among the ladies; that after the piece, Mendoza confronted Eboy for bumping him. Mendoza would not accept Rene's apology. Instead he hit Rene with his rifle.

Rene nursed his pain and confided to Ronilo that Pat. Mendoza is a bully and was such since he was a kid. But there will be a time when he could even the score. At about 11:30 P.M. when Ronilo was dancing he heard a commotion. He heard a shout, 'Don't do it, Boy!' He looked around and saw Rene with an armalite rifle. He

was running after Dodong Mendoza. Ronilo stopped Rene but Rene still shot Mendoza who fell. Again, Rene fired at Mendoza.

After that Rene told Ronilo to go with him. He also advised Ronilo to pick up the armalite of Maranga who was nowhere. Ronilo obeyed and they both disappeared with the two armalites. At that time, Ronilo said Pat. Maranga was dancing and he left his rifle on the table. So the two Machetes went to Bandirahan from where they took a pumpboat for Biliran. At Biliran, Ronilo suggested that they part ways as Ronilo was afraid he might be implicated.

The court asked Ronilo what happened to the armalite he was carrying. He said he left it in a hut at the Biliran Bridge because there was a check point. Asked why he did not turn over the rifle to the police at Biliran, he replied he was afraid to be detained because of said rifle since Rene Machete escaped. So he went to Malangas, Mindanao until he was arrested by a policeman from Naval, Leyte in 1990 four years after the incident."^[3]

Appellant Ronilo Machete presented two (2) witnesses who corroborated in part Ronilo's own testimony that his cousin Rene Machete, and not appellant himself, had slain Pat. Mendoza. One witness, Antonio Juntilla, testified that while Pat. Maranga and appellant Ronilo Machete were dancing with their respective partners, Pat. Mendoza was about a meter away from a table where he (Pat. Mendoza) had placed his armalite rifle. According to Juntilla, Rene Machete walked towards the table, picked up the rifle and shot Mendoza. A second defense witness, Julianita Juanes, testified that when she heard a gunshot, she turned her head towards the place where Pat. Mendoza was and she saw Mendoza lying on the ground with Rene Machete standing over him and firing a gun at him.

Clearly, we have here again two (2) apparently conflicting versions of the events which led to the death of Pat. Mendoza and the wounding of Juanito Narrido. The central issue is one of credibility of witnesses. The well-established rule is that the trial court's evaluation of the credit-worthiness of the testimony given before it by witnesses must be accorded great respect.^[4] The evaluation of testimony is a primary task of trial courts before whom conflicting versions of the same events come up day after day.^[5]

It may be noted that both versions could well have been substantially correct: that is, both Ronilo and Rene may have fired at Pat. Mendoza and at the people at the dance area, with the armalite rifles taken from the police officers. There was, in other words, no inherent or physical impossibility of the two (2) Machetes (instead of just one of them) firing at Pat. Mendoza and the people dancing, one after the other or nearly at the same time. Prosecution witness Pat. Maranga saw Ronilo as he fired; the defense witnesses may well have seen Rene as he in turn fired. It is not, however, necessary to belabor this point.

In any event, in the instant case, the prosecution witnesses (Pat. Maranga and Juanito Narrido) positively testified that appellant Ronilo Machete had shot Pat. Mendoza and had fired at the people on the dance hall. Their testimony was affirmative and forthright and the appellant has not presented any evidence showing any evil or sinister motive on the part of Pat. Maranga or Juanito Narrido that would have led either of them to testify falsely against appellant Ronilo Machete and to impute to him serious crimes of which he was in fact innocent. Appellant Ronilo Machete has not pointed us to any substantial reason why this Court should overturn the trial court's appreciation of the evidence presented against appellant. The trial court concluded that appellant Ronilo Machete had sought to deflect guilt away from himself and towards his cousin Rene who was not present, who had escaped and (so far as the record shows) has continued to date to evade capture by the law enforcement officers.

Appellant's conduct after the slaying of Pat. Mendoza and the shooting of Juanito Narrido was construed by the trial court as indicative of his awareness of guilt. Ronilo Machete admitted that he had gone into hiding in Malangas, Zamboanga del Sur and there he was apprehended more than four (4) years after the commission of the crimes here involved.^[6] The trial court was entitled to take such behavior into account. The familiar rule is that

flight from the scene of the crime is indicative of guilt.[7]

We turn to the question of whether treachery was present in the slaying of Pat. Mendoza. The trial court ruled that treachery had been shown, saying:

"x x x No doubt Pat. Mendoza was treacherously shot. He was not given the slightest chance to defend himself. He was mowed down in cold blood." [8]

Appellant Ronilo Machete argues that no treachery was present in the instant case:

"x x x Assuming that it was indeed accused-appellant who shot Pat. Panfilo Mendoza, it is submitted that the shooting was not treacherously done leaving Pat. Mendoza not the slightest chance at all to defend himself. As Pat. Leonilo Maranga himself testified, after accused-appellant and his companion grabbed his armalite rifle and that of the victim, the two (referring to accused-appellant and Rene Machete) walked away. Thus, Pat. Maranga testified during his direct examination as follows:

'Q: From where did he get that armalite rifle in shooting Panfilo Mendoza?

A: He grabbed the armalite rifle of Panfilo Mendoza and after grabbing the armalite rifle of Panfilo Mendoza, Ronilo poked the gun towards me and Rene Machete got the armalite issued to [me] and they walked away. x x x.' (TSN, May 20, 1991, p. 4)

Thus, when accused-appellant and his companion walked away with the armalite rifles, Pat. Mendoza could have known that if he would follow to retrieve his armalite rifle, the same armalite rifle might be used against him. Thus, it could not be said that Pat. Mendoza was left with no slightest chance to defend himself and that he was caught by surprise." [9]

The Solicitor General agrees with appellant's contention on this point. The Solicitor General, elaborating on the position of appellant's counsel, states that:

"x x x [E]ven if the shooting was sudden and unexpected, as regards to victim, and that he was not given the opportunity to undertake any form of defense or evasion, this does not necessarily justify a finding of treachery or alevosia, absent any evidence that his mode of assault was consciously and deliberately adopted to insure execution of the crime without risk of the offender. (People v. Ramirez, 203 SCRA 25 [1991]) Hence, there is no treachery if the crime was committed on the spur of the moment. (Ibid.)

In the case at bar, Pat. Mendoza was sitting beside Pat. Maranga when appellant and Rene Machete grabbed their respective firearms. (p. 10, TSN, May 20, 1991) Appellant even aimed the firearm he grabbed at Pat. Maranga to forestall possible resistance while Rene Machete grabbed the latter's firearm. (p. 4, Ibid.) These actuations of appellant and Rene Machete forebode, and were in fact, outward manifestations of dastardly intentions. For sure, in accordance with normal human experience, Pat. Mendoza already had an inkling that he would be assaulted or even shot if he tried to follow appellant and Rene Machete for the purpose of retrieving his firearm. As regards Pat. Mendoza therefore, the shooting was not totally unexpected.

Further, there is no showing that appellant consciously and deliberately adopted the manner of attack purposively to avoid risk unto himself. Instead, the shooting appears to have been an instantaneous reaction on his part probably to stop Pat. Mendoza from following them as they escaped. Had appellant indeed intended on treacherously killing Pat. Mendoza, he would have shot him at the time they grabbed the firearms.

Verily, these circumstances negate the attendance of treachery as a circumstance qualifying the killing to murder. Well-settled is the rule that the circumstances which would qualify the killing to murder must be proved as indubitably as the crime itself. (People v. Raquipo, 188 SCRA 571 [1990]) The prosecution failed to do so." [10] (Underscoring supplied)

We agree with the Solicitor General and appellant Ronilo Machete that treachery had not been sufficiently shown

in the instant case, that the prosecution had not made an adequate showing that appellant had deliberately adopted the method of attack here shown for the very purpose of avoiding risk to the attacker himself. Appellant had responded to Pat. Mendoza's effort to follow the Machetes who had despoiled him and Pat. Maranga of their armalite rifles. Accordingly, the crime committed by Ronilo Machete was homicide defined and penalized in Article 249 of the Revised Penal Code, and not murder.

WHEREFORE, for the reasons above stated, the decision of the trial court in Criminal Case No. N-1468 is hereby MODIFIED so as to hold appellant guilty of the crime of homicide. There being no mitigating or aggravating circumstance shown and applying the provisions of the Indeterminate Sentence Law, appellant is hereby SENTENCED to suffer an indeterminate penalty of from ten (10) years of prision mayor as minimum to seventeen (17) years and four (4) months of reclusion temporal as maximum. As so modified, the decision of the trial court in Criminal Case No. N-1468 is hereby AFFIRMED, while the decision of the trial court in Criminal Cases Nos. N-1469 and N-1470 is hereby AFFIRMED en toto.

SO ORDERED.

Bidin, Romero, Melo, and Vitug, JJ., concur.

[1] Rollo, p. 61.

[2] Id., p. 44.

[3] Id., p. 60.

[4] People v. Munda, 189 SCRA 425 (1990).

[5] Bonquilla v. Court of Appeals, 147 SCRA 9 (1987).

[6] TSN, 24 July 1991, p. 15.

[7] E.g., People v. Molina, 213 SCRA 52 (1992).

[8] Decision of the trial court, p. 5; Rollo, p. 61.

[9] Appellant's Brief, pp. 11-12; Rollo, pp. 54-55.

[10] Appellee's Brief, pp. 11-13; Rollo, pp. 79-81.

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