

PEOPLE OF THE PHILIPPINES, PLAINTIFF-APPELLEE, VS. EUGENIO RESUMA, KUPAD ANGIAS AND ROMEO DE LA CRUZ, ACCUSED-APPELLANTS.

G.R. Nos. 106640-42. June 15, 1994

Ponente: PADILLA, J.

Read online (full-text search, related cases, audio case brief): <https://batas.org/library/g-r-nos-106640-42/>

PADILLA, J.:

Eugenio Resuma, Kupad Angias, and Romeo de la Cruz pray for a reversal of the decision[1] of the Regional Trial Court, Branch 19, of Isulan, Sultan Kudarat, dated 07 February 1992, finding them guilty of the crimes of Murder and double Attempted Murder, and sentencing them as follows:

"IN CRIMINAL CASE NO. 1964

1. The accused, EUGENIO RESUMA, KUPAD ANGIAS and ROMEO DELA CRUZ, to suffer the penalty of Reclusion Perpetua; to indemnify the heirs of the late Beronio Tagayon, jointly and severally, (a) the sum of P50,000.00, as indemnity for death; (b) the sum of P14,325.00, as actual damages incurred attendant to the death of the said victim; (c) the amount of P15,000.00, as moral damages; (d) the amount of P10,000.00, as exemplary damages; and to pay the cost.

IN CRIMINAL CASE NO. 1965

1. The accused, EUGENIO RESUMA, KUPAD ANGIAS and ROMEO DELA CRUZ, to suffer the indeterminate penalty of imprisonment ranging from TWO (2) YEARS, TEN (10) MONTHS and TWENTY (20) DAYS of prision correccional, as minimum, to SIX (6) YEARS, ONE (1) MONTH and ELEVEN (11) DAYS of prision mayor, as maximum; and to pay the costs.

IN CRIMINAL CASE NO. 1966

1. The accused, EUGENIO RESUMA, KUPAD ANGIAS and ROMEO DELA CRUZ, to suffer the indeterminate penalty of imprisonment ranging from TWO (2) YEARS, TEN (10) MONTHS and TWENTY (20) DAYS, of prision correccional, as minimum, to SIX (6) YEARS, ONE (1) MONTH and ELEVEN (11) DAYS of prision mayor, as maximum; and to pay the costs.

Being detention prisoners, the accused are entitled to full credit of the entire period of their preventive imprisonment in accordance with Article 29 of the Revised Penal Code, as amended by Republic Act No. 6127, provided they have voluntarily complied in writing to abide by the same disciplinary rules imposed upon convicted prisoners, otherwise, with only four-fifth (4/5) thereof.

IT IS SO ORDERED."[2]

In separate Informations dated 3 June 1991 and filed on 5 June 1991 by First Assistant Provincial Prosecutor Emmanuel S. de Peralta, the accused Eugenio Resuma, Kupad Angias, and Romeo dela Cruz were all charged with the crimes of Murder and double Attempted Murder, committed as follows:

IN CRIMINAL CASE NO. 1964

"That in the afternoon of February 6, 1991, at Sitio Daligdig, Barangay Ragandang, Municipality of Lebak, Province of Sultan Kudarat, Philippines, and within the jurisdiction of this Honorable Court, the said accused, armed with firearms, conspiring, confederating together and mutually aiding one another, with intent to kill, with evident premeditation and treachery, did then and there, wilfully, unlawfully and feloniously, attack, assault and shot one BERONIO TAGAYON with the use of the aforementioned weapons thereby inflicting multiple gunshot wounds upon the latter which directly caused his death.

CONTRARY TO LAW, particularly Article 248 of the Revised Penal Code of the Philippines."

IN CRIMINAL CASE NO. 1965

2. "That in the afternoon of February 6, 1991, at Sitio Daligdig, Barangay Ragandang, Municipality of Lebak, Province of Sultan Kudarat, Philippines, and within the jurisdiction of this Honorable Court, the said accused, armed with firearms, conspiring, confederating together and mutually aiding one another, with intent to kill, with evident premeditation and treachery, did then and there, wilfully, unlawfully and feloniously, attack, assault (sic) and shot one DOMINADOR SALINDA, JR. with the use of the aforementioned weapons, failing, however, to hit the latter thereby commencing the commission of the crime of murder directly by overt acts but did not perform all the acts of execution which, should have consummated [sic] it by reason of some causes other than the spontaneous desistance of the accused, that is, the victim was able to ran away for escape.

CONTRARY TO LAW, particularly Article 248 in relation to Article 6 of the Revised Penal Code of the Philippines."

IN CRIMINAL CASE NO. 1966

"That in the afternoon of February 6, 1991, at Sitio Daligdig, Barangay Ragandang, Municipality of Lebak, Province of Sultan Kudarat, Philippines, and within the jurisdiction of this Honorable Court, the said accused, armed with firearms, conspiring, confederating together and mutually aiding one another, with intent to kill, with evident premeditation and treachery, did then and there, wilfully, unlawfully and feloniously [sic], attack, assault and shot one JOLITO HELAOS with the use of the afore-mentioned weapons, failing, however, to hit the latter thereby commencing the commission of the crime of murder directly by over acts but did not perform all the acts of execution which should have consummated [sic] it by reason of some clauses other than the spontaneous desistance of the accused, that is, the victim was able to ran away for escape.

CONTRARY TO LAW, particularly Article 248 in relation to Article 6 of the Revised Penal code of the Philippines."

On 26 June 1991, the RTC appointed Atty. Jose Miguel as counsel de oficio for the accused. On 8 July 1991, the accused, assisted by counsel de oficio, were arraigned and they individually and separately entered a plea of not guilty to each of the crimes charged. On the same date, the prayer of both the prosecution and defense for a joint trial of the three (3) cases was granted by the trial court. On 10 October 1991, the joint trial commenced.

The prosecution presented the following witnesses: Dominador Salinda, Jr.,[3] Antonio Ticmon,[4] Jolito Helaos,[5] Delia Tagayon,[6] and Dr. Alfredo Calingin.[7]

The version of the prosecution as to the factual background of this case is as follows:

On 6 February 1991, at about five o'clock in the afternoon and while Beronio Tagayon, Dominador Salinda, Jr., and Jolito Helaos were preparing to go to their respective houses after cutting the grass on the land cultivated by Tagayon, accused Eugenio Resuma, Kupad Angias, and Romeo dela Cruz, all armed with shotguns, positioned themselves on an elevated portion of a hill about four (4) fathoms away from where Tagayon, Salinda, Jr., and

Helaos were standing. As Salinda, Jr. and Helaos started to walk, they heard one gunshot coming from the hill. As they turned around towards the direction of the gunshot, they saw the tip of Resuma's shotgun still smoking. Then they heard three (3) more gunshots. They saw Tagayon slumped on the ground. And as two (2) shotgun pellets grazed the outer garments of Helaos, he and Salinda, Jr. scampered in different directions to take cover.

Tagayon's wife, Delia, who was about one hundred (100) meters away watching her husband approach their house, heard the first gunshot as well as the three (3) succeeding gunshots. She looked at the direction of the gunshots and saw the three (3) accused holding their weapons and withdrawing from their elevated position. Then she saw her fallen husband, and rushed to his aid. Antonio Ticmon, who was one hundred fifty (150) meters away from where Tagayon fell, also heard the gunshots and saw the accused withdrawing. Then he approached the fallen Tagayon and helped Delia carry Tagayon's wounded body to the latter's house.

Shortly after Delia and Ticmon reached Tagayon's house carrying the wounded Tagayon, the latter died. The next day, 7 February 1991, Dr. Alfredo Calingin, accompanied by a policeman, autopsied the body of Tagayon. He thereafter accomplished the autopsy report containing the details of the cause of death of Tagayon. The police authorities took the respective statements of Helaos, Salinda, Jr., Ticmon, and Delia Tagayon regarding the circumstances surrounding the alleged attack on the victims.

The defense, in turn, presented the following witnesses: Romeo dela Cruz,[8] Kupad Angias,[9] Eugenio Resuma,[10] Carlos Bautista,[11] and Rolando Pillado.[12]

The defense adopted by the accused was basically denial of the crimes charged against them. To substantiate their defense, each of the accused attempted to negate the prosecution's theory on the existence of conspiracy among the accused, and their direct participation in the crimes charged.

All the accused denied having any knowledge whatsoever of the alleged attack on Tagayon, Salinda, Jr., and Helaos. Accused dela Cruz averred that he did not have any misunderstanding with the victims. Accused Angias denied having known the victims and accused Resuma invoked alibi in support of his denial.

In addition, to counter the prosecution's theory of conspiracy, dela Cruz claimed that he did not know his co-accused Angias, and that he only knew his co-accused Resuma as a buyer of the former's (de la Cruz) corn. Accused Angias likewise denied knowing dela Cruz although he admitted to knowing Resuma but only as the husband of Angias' niece. Finally, Resuma alleged that he could not have participated in the alleged crimes as he was scaling corn for Carlos Bautista in Camp Apeco in Barangay Ragandang at the time of the alleged attack on Tagayon.

In arriving at its judgment, the trial court found the evidence presented by the prosecution credible and sufficient to convict all the accused of the crimes charged beyond reasonable doubt. In finding that all the accused directly participated in the attack on the victims, the trial court stated:

"Evidently, the prosecution relied heavily on the testimonies of the surviving offended victims, Dominador Salendab, Jr. [sic], and Jolito Helaos, who allegedly identified the accused, Eugenio Resuma, Kupad Angias, and Romeo dela Cruz, as the persons who ambushed them on their way going home at about past 5:00 o'clock in the afternoon of February 6, 1991, and who fired gunshots at them which caused the death of their companion, Beronio Tagayon.

"There is no dispute that Beronio Tagayon was with Dominador Salendab, Jr. [sic], and Jolito Helaos, when they were ambushed on their way and fired upon [sic], which caused the death of Beronio Tagayon of gunshot wounds. Undoubtedly, at 5:00 o'clock, more or less, in the afternoon of February 6, 1991, it was still bright when the incident in question took place. Carlos Bautista, who testified for the defense, had in fact declared in court that at 6:00 o'clock in the evening of February 6, 1991, it was still bright, and that at 6:30 o'clock in the

evening of the same day, it was not yet very dark. Indubitably, there was no dispute as to the identification of a person at about 5:00 o'clock in the afternoon of February 6, 1991. Evidently, it was still very bright at that time of the day. x x x.

"x x x. Consequently, the Court feels that the defense of alibi of the accused in these cases deserves no credence, not only for being uncorroborated but also for being incredible, as it generates the impression that it is fabricated. x x x.

"Accordingly, on the basis of the foregoing considerations, the Court is morally convinced that, through conspiracy, it was the three accused in theses [sic] cases who are responsible for the death of the deceased victim, Beronio Tagayon, and of shooting at the offended private complainants, Dominador Salendab, Jr. [sic], and Jolito Helaos, in the afternoon (5:00 o'clock p.m.) of February 6, 1991, in Sitio Daligdig, Ragandang, Lebak, Sultan Kudarat." [13]

The trial court also discredited the defense posited by the accused. It observed, thus:

"x x x. There is no doubt that the testimonies of the accused, Kupad Angias and Romeo dela Cruz, in denying involvement in the commission of the crimes imputed against them, were uncorroborated. On the other hand, while the accused Eugenio Resuma presented Rolando Pillado, apparently, to corroborate his testimony; their testimonies, however, resulted to serious contradictions and inconsistencies as disclosed somewhere in the preceding paragraphs hereof. In effect, accused Eugenio Resuma had only shown falsehoods in his testimony. x x x.

"The testimony of Carlos Bautista is definitely unconvincing, and does not easily inspire confidence, belief and credence. How could you believe that for only fourteen (14) sacks of corn, it took him the whole day of February 6, 1991, until 5:00 o'clock in the afternoon to haul them to Camp Apeco, Ragandang, Lebak, from Erland, Ragandang, Lebak, covering a distance of only one (1) kilometer, and using a sledge pulled by a six-year old carabao? Can we believe that a sledge with a dimension of 3 1/2 feet in length by 3 feet in width could only load two sacks of corn?

"Admittedly, the defense put up by the accused in these cases is alibi, a defense which is said to be the weakest, seldom believed or given weight, as it is easy of fabrication, except when the identity of the accused has not been positively made, and when the evidence of alibi is airtight, which means that there was physical impossibility for the accused to be in the place where the incident took place because they were in another place which makes it physically impossible for them to be at the place of the incident. The Court is not, however, impressed by the alibi put up by the accused. It is far from being airtight. Considering, therefore the distance of the place, where the accused were at the time of the incident, which was not more than five (5) kilometers at most, it is not improbable that they could have been in the place of the incident, committed the acts imputed against them, then returned in the place where they claimed they were, by negotiating the distance in a short time.

x x x x x x x x

"Undoubtedly, the denial of the accused, Eugenio Resuma, Kupad Angias, and Romeo dela Cruz, in the commission of the crimes imputed against them, is unworthy of credence, and apart from being uncorroborated, it cannot stand above prosecution's clear and satisfactory evidence. x x x." [14]

Finally, in qualifying the acts of all the accused as constituting the crimes of Murder and Attempted Murder, respectively, the trial court made the following findings:

"The Court is further convinced that conspiracy was satisfactorily established by positive and conclusive evidence as shown by the community of purpose on the part of the three accused as they were seen going together to the scene of the occurrence of the ambush with firearms and, later, seen firing with their guns at the deceased victim, Beronio Tagayon, and the two offended victims, Dominador Salendab, Jr. [sic], and Jolito

Helaos.

"With the nature of the evidence presented by the prosecution, were the qualifying aggravating circumstances of treachery and evident premeditation, as alleged in the Informations filed against the accused in these cases, duly established to qualify the crimes committed to Murder and Attempted Murders?

"The Court honestly believes that on the basis of the method or way that the accused had committed the crimes, there was deliberate planning of the act before its execution. The evidence of the prosecution, no doubt, had established the existence of evident premeditation. Moreover, conspiracy generally presupposes premeditation.

"Unquestionably, the victims in these cases were shot upon, causing the death of one, without them having put up any resistance and/or defense, as the attack on them was so sudden and unexpected. Indubitably, the accused had consciously adopted the form of attack employed by them, in a manner that would insure the execution of the crimes, without risk to themselves coining from the intended victims. Treachery, no doubt, was duly established by the evidence of the prosecution in these cases.

"Accordingly, the prosecution has successfully established the guilt of the accused in each of the above-entitled cases beyond reasonable doubt." [15]

In this appeal, accused-appellants raised a lone assignment of error, namely:

"ASSIGNMENT OF ERROR

THE TRIAL COURT ERRED IN CONVICTING ACCUSED-APPELLANTS OF THE CRIMES CHARGED DESPITE THE FAILURE OF THE PROSECUTION TO PROVE THEIR GUILT BEYOND REASONABLE DOUBT."

In support of their lone assignment of error, accused-appellants claim as uncontroverted three (3) submissions of the defense: First, the testimony of accused Resuma that he was scaling corn in Camp Apeco at the time of the ambush. Second, the testimony of prosecution witness Carlos Bautista corroborating the alibi of accused Resuma. And third, the testimony of Barangay Councilman Ramon Pillado regarding the alleged statements of complaining witnesses Salinda, Jr., and Helaos given to him (Pillado) to the effect that nobody witnessed the alleged ambush, and that nobody knew the identities of the perpetrators. As for the other accused Angias and dela Cruz, they insist on their innocence which they anchor upon their alleged lack of knowledge of the crimes.

We find the arguments of accused-appellants to be untenable.

Accused-appellants fault the trial court for relying on the direct and positive evidence of the prosecution consisting of the testimonies of four (4) eyewitnesses to the crimes. Prosecution witnesses Dominador Salinda, Jr., Jolito Helaos, Delia Tagayon, and Antonio Ticmon all testified that they saw the accused-appellants standing, each of them wielding shotguns with barrels still smoking from the earlier gunshots and aimed at the direction of where Tagayon, Salinda, Jr., and Helaos were standing. Furthermore, they testified as to the subsequent acts of the accused-appellants in retreating from their location after shooting at their victims.

In the face of this direct and positive evidence of the prosecution, the defense could only interpose denial and alibi. Yet, the accused-appellants would want this Court to rule that it was error for the trial court to disregard their substantially uncorroborated defense of denial and alibi.

We can not grant such improvident prayer of the accused-appellants, lest we set at naught overwhelming jurisprudence, a reiteration of which is found in the Court's recent pronouncement in the case of *People- of the Philippines vs. Sulpicio Pajares*, [16] wherein we held:

"In sum, the lame defense of bare denial by accused-appellant cannot overcome the evidence presented by the prosecution proving him guilty beyond reasonable doubt. The solid testimony of Reynaldo de Vera who witnessed the entire incident; the testimony of police corporal Regalado that accused-appellant was positively identified by the victim Alberto Pilapil before his death; accused-appellant's positive identification from among other inmates at the Police Headquarters by de Vera; and lastly, the damaging testimony of defense witness Hilario Candido who admitted that he saw a similar if not the same weapon in the possession of the accused the day before the criminal incident occurred are enough indicators to an unprejudiced mind that the crime of murder perpetrated by accused-appellant has been established with moral and legal certainty."

As to the other ground of accused-appellants' appeal - that both complaining witnesses Salinda, Jr. and Helaos had stated to defense witness Pillado that nobody witnessed the attack, and that nobody could identify the perpetrators thereof - this Court can consider such testimony of Pillado as, at best, inaccurate, and at worst, of no probative value.

The records show that prosecution witness Salinda, Jr. testified as follows:

DIRECT EXAMINATION OF DOMINADOR SALINDA, JR.

Q: You said that you saw the gun from where the smoke came from, did you see the person who was holding that gun?

A: Yes, sir.

Q: Who were those persons who were holding the gun?

A: Eugenio Resuma and Angias Kupad, sir.

Q: How far was Eugenio Resuma and Kupad Angias from you when you saw them?

A: I think they were about a fathom from me, sir.

Q: Was that after the first shot or after the three successive shots when you saw Eugenio Resuma and Kupad Angias?

A: After the three successive shots, sir.

Q: Aside from Eugenio Resuma and Kupad Angias where there any other person you saw with them?

A: Yes, sir, I saw a third person by the pilot road at the edge of the forest, sir, and he was about two fathoms from Resuma and Angias.

Q: You said that you saw Eugenio Resuma holding a gun, what kind of gun was that?

A: Twelve gauge shot gun long, sir.

Q: How about Kupad Angias?

A: He was holding twelve gauge [sic] shot gun long.

Q: You said you saw Romeo dela Cruz, what was he holding when you saw him?

A: A pistolized twenty gauge, sir.

Q: And how far was Eugenio Resuma from Kupad Angias when you saw them?

A: About two fathoms, sir.

Q: When you saw Eugenio Resuma after the first three shots holding the gun, to whom was he holding the

gun?

A: The gun was pointed to the cornfield of Dodo.

Q: How about Kupad Angias?

A: He was also pointed the same place, sir.

Q: And how about Romeo dela Cruz?

A: Romeo dela Cruz was acting as a guard, sir, and he kept on looking at the house of Dodo Tagayon.

Q: This Dodo Tagayon was he Beronio Tagayon?

A: Yes, sir.

Q: You said that the gun of Eugenio Resuma and Kupad Angias was pointed to the cornfield of Dodo Tagayon, in what particular place where you situated [sic] at that particular time when you saw them pointing the gun at the cornfield of Dodo Tagayon?

A: I was standing on that pilot road, sir.

Q: How about Beronio Tagayon, where was he at that time in relation to Eugenio Resuma and Kupad Angias when they were pointing their guns at the cornfield?

A: He was already among his corn because he was hit.

Q: Hit by what?

A: By twelve gauge [sic] shotgun.

Q: Why, who shot him?

A: Eugenio Resuma, sir.

Q: You saw them?

A: Yes, sir."^[17]

The third prosecution witness Jolito Helaos likewise gave a similar testimony.

DIRECT EXAMINATION OF JOLITO HELAOS

"Q - And while walking towards the house of Beronio Tagayon, do you remember if any unusual incident that happened?

A - Yes, sir.

Q - And what was that incident that happened?

A - We do not really expect in our life that were [sic] were going to be ambushed by this Eugenio Resuma, Kupad Angias and Romeo dela Cruz, sir.

Q - You said that you were ambushed by these three persons that you mentioned, will you tell us how were you ambushed?

A - They fired at us, sir.

Q - Were you able to see them?

A - Yes, sir.

Q - How far were you from Eugenio Resuma and Kupad Angias and this Romeo dela Cruz when they fired at you?

A - I estimated the distance to be 4 fathom [sic], sir.

Q - What kind of firearm did Eugenio Resuma use when they fired at you?

A - A long 12 gauge shot gun, sir.

Q - How about Romeo dela Cruz, did he also fire at you?

A - We saw him carrying a gun but he did not fire at us.

Q - What kind of gun was that?

A - A 20 gauge [sic] shot gun, sir.

Q - How far was Eugenio [sic] Resuma from Kupad Angias when you saw them fired [sic] the three of you?

A - Maybe he was only a meter from Kupad Angias, sir.

Q - How about this Romeo dela Cruz, how far was he from Kupad Angias?

A - Maybe he [sic] only about a fathom from Kupad Angias because he was behind Kupad Angias.

Q - Will you describe [sic] to us the place were Eugenio Resuma, Kupad Angias and Romeo dela Cruz situated [sic] when they fired at you and your two companions?

A - It was a hilly portion covered with short grasses and they could be seen clearly, sir.

Q - And how many shots were fired by them?

A - We first heard one shot, sir.

Q - And then later?

A - Then it was followed by three successive shots which made us to seek cover, sir.

Q - When the first shot was fired, will you tell us what happened to Beronio Tagayon?

A - He was hit, sir.

Q - And after the three more shots, what happened to Beronio Tagayon.

A - On our way after the three gunshots because we have to seek cover was that, Beronio Tagayon fell to the ground, sir.

Q - What about you, what did you do after the three shots?

A - I was also hit but only on my clothes and on my pants, sir.

Q - Who was ahead of the three of you when you were walking towards the house of Beronio Tagayon?

A - The one who was walking ahead was Beronio Tagayon and I was following him and Dominador Salinda, Jr. was behind me, sir.

Q - You said that after you heard the three shots you ran away, towards what direction did you ran?

A - We ran down the sloop [sic], sir.

Q - By the way, where was Eugenio Resuma, Kupad Angias and Romeo dela Cruz in relation to you when they fired at you and your companions?

A - Eugenio Resuma was on a hilly portion towards our right, sir.

Q - How about this Kupad Angias?

A - He was on the same place, sir.

Q - How about this Romeo dela Cruz?

A - He was with his two companions, sir.

Q - Later on, where did you proceed after running?

A - As I said we run down the sloop [sic] and looked for our way to reach the house of Beronio Tagayon, sir.

Q - Were you able to reach the house of Beronio Tagayon?

A - Yes, sir.

Q - The last time you saw Eugenio Resuma, Kupad Angias and Romeo dela Cruz in that afternoon of February 6, 1991, after the last three shots, what were they doing?

A - When I saw then after the three shot they were running away, sir.

Q - Towards what direction?

A - They were proceeding to their own home, sir.

Q - When you saw them running towards their houses how far were you from them?

A - They were almost far from us, maybe about 130 meters more or less.

Q - By the way, who were your companions in running toward the house of Beronio Tagayon after the four shots were fired?

A - Dominador Salida [sic], sir."[18]

The foregoing testimonies belie the accuracy of Pillado's own testimony. Such inaccuracy, however, can be explained. It is true that Salinda, Jr. and Helaos did not actually witness the first attack. But that is because the attack was so sudden and was, shortly afterwards, continued for another brief period by the accused-appellants, that Salinda, Jr. and Helaos could not have managed to get even a momentary glimpse of the actual attack as they themselves were in the midst of their own frantic effort to take cover. Moreover, their alleged statements to Pillado as testified to by the latter, that they could not identify the attackers, referred not to the difficulty in ascertaining the actual identities of the accused-appellants but, rather, to the difficulty of ascertaining with precision the intended target of each assailant, in view of the type of weapons used - shotguns which have the capacity of hitting multiple targets with just a single shotgun shell - and the proximity of the intended victims from each other.

At the same time, the portion of the testimony of defense witness Pillado regarding the alleged subject statements of Salinda, Jr. and Helaos can be considered as nothing more than hearsay evidence. Precisely, Pillado had no personal knowledge of whether there were witnesses to the crimes as well as to the identities of the perpetrators. He only obtained, and later confused, such information from Salinda, Jr. and Helaos.

Under Rule 130, Section 36 of the Rules of Court, it is provided:

5. TESTIMONIAL KNOWLEDGE

Section 36. Testimony generally confined to personal knowledge; hearsay excluded. - A witness can testify only to those facts which he knows of his personal knowledge; that is, which are derived from his own perception, except as otherwise provided in these rules.

Inasmuch as the related portion of the testimony of defense witness Pillado has no probative value - it being hearsay - it cannot sustain accused-appellants' arguments and prayer for the reversal of the trial court's decision, and their consequent acquittal of all the crimes for which they were correctly convicted.

WHEREFORE, premises considered, the decision of the Regional Trial Court, Branch 19, of Isulan, Sultan Kudarat dated 7 February 1992, is hereby **AFFIRMED** en toto.

SO ORDERED.

Narvasa, C.J., (Chairman), Regalado, Puno, and Mendoza, JJ., concur.

[1] Penned by Judge German Malcampo

[2] Rollo pp. 144-145.

[3] Testimony pertaining to the circumstances surrounding the alleged attack on himself, Beronio Tagayon, and Jolito Helaos, as well as the identities of the alleged perpetrators thereof. [I/TSN, pp. 2-12, 10 October 1991]

[4] Testimony pertaining to the identities of the alleged perpetrators; to the gunshots he heard during the alleged attack; and to the circumstances subsequent to the alleged attack. [II/TSN, pp. 2-19, 10 October 1991]

[5] Testimony pertaining to the circumstances surrounding the alleged attack on himself, Beronio Tagayon, and Dominador Salinda, Jr. as well as the identities of the alleged perpetrators thereof. [III/TSN, pp. 1-13, 16 October 1991]

[6] Testimony pertaining to her eyewitness account of the circumstances surrounding the alleged attack, as well as the identities of the alleged perpetrators thereof. [III/TSN, pp. 13-18, 16 October 1991]

[7] Testimony pertaining to the autopsy report he accomplished after examining the body of Beronio Tagayon subsequent to the alleged attack. [IV/TSN, pp. 2-3, 29 October 1991]

[8] Testimony pertaining to his denial of the crimes charged against him. [V/TSN, pp. 2-7, 30 October 1991].

[9] Testimony pertaining to his denial of the crimes charged against him. [V/TSN, pp. 14-21, 30 October 1991].

[10] Testimony pertaining to his denial of the crimes charged against him, and his defense of alibi. [VI/TSN, pp. 2-9, 06 November 1991].

[11] Testimony pertaining to the accused Resuma's whereabouts at the time of the alleged crimes. [VII/TSN, pp. 1-3, 07 November 1991].

[12] Testimony pertaining to conduct of the prosecution witnesses Helaos, Salinda, Jr., and Ticmon immediately after the alleged attack. [VII/TSN, pp. 5-6, 07 November 1991].

[13] Rollo, pp. 39-41.

[14] Rollo, pp. 39-41, 43.

[15] Rollo, pp. 44-45.

[16] G.R. No. 100804, 29 April 1994.

[17] I/TSN, October 10, 1991, pp. 8-10

[18] III/TSN, October 16, 1991, pp. 4-6.

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.