

LAARNI N. VALERIO, PETITIONER, VS. COURT OF APPEALS, HON. JUDGE MA. THERESA L. DELA TORRE-YADA0, RTC – BRANCH 81, QUEZON CITY AND MILAGROS “MYLA” VALERIO, RESPONDENTS.

G.R. Nos. 164311-12. October 10, 2007

Ponente: QUISUMBING, J.

Read online (full-text search, related cases, audio case brief): <https://batas.org/library/g-r-nos-164311-12/>

QUISUMBING, J.:

Before this Court are two petitions for review assailing the Consolidated Decision[1] dated April 28, 2004 and the Resolution[2] dated July 1, 2004 of the Court of Appeals in CA-G.R. SP Nos. 71900 and 72132. The Court of Appeals had upheld the Resolution[3] dated February 26, 2002 and the Orders[4] of the Regional Trial Court (RTC) of Quezon City, Branch 81, in Criminal Case Nos. Q-00-93291 and Q-00-93292.

The antecedent facts in these consolidated petitions are as follows:

On March 18, 2000, Jun Valerio, Chief of the Office of the Government Corporate Counsel, was shot and killed in front of his house at No. 82 Mapang-akit St., Diliman, Quezon City.

An Information for murder was filed against Antonio E. Cabador, Martin M. Jimenez, Samuel C. Baran, and Geronimo S. Quintana; while an Information for parricide was filed against the victim's wife, Milagros E. Valerio, thus:

The undersigned Assistant Chief State Prosecutor of the Department of Justice, Manila, hereby accuses ANTONIO "Tony" CABADOR y ESTIMO, MARTIN JIMENEZ y MATERUM, a.k.a. "Mar Beltran", SAMUEL BARAN y CABADOR and GERONIMO "Ronie" QUINTANA y SAGUID, a.k.a. "Boy Negro", with the crime of Murder, defined and penalized under Article 248 of the Revised Penal Code, as amended by Republic Act 7659, committed as follows:

"That on March 18, 2000, at around 12:30 a.m., or thereabout, in Quezon City, Metro Manila, Philippines and within the jurisdiction of this Honorable Court, the above-named accused, conspiring, confederating and mutually helping one another and with one Milagros Valerio y Embuscado who is also charged with Parricide in a separate information, as a principal by inducement, did then and there willfully, unlawfully and feloniously, with intent to kill and with evident premeditation and treachery, and for a consideration, promise or reward, shoot Atty. Jun Valerio, Chief of the Office of the Government Corporate Counsel, with the use of an unlicensed .38 caliber Armscor revolver with serial number 55004, hitting him on the different parts of his body, thereby inflicting upon him fatal wounds which caused his death shortly thereafter to the damage and prejudice of the heirs of the victim, with the aggravating circumstances of disregard of the respect due to the victim on account of his rank, nocturnity, consideration of a price, reward or money, use of a motor vehicle and use of an unlicensed firearm."

CONTRARY TO LAW.[5]

The undersigned Assistant Chief State Prosecutor of the Department of Justice, Manila, hereby accuses MILAGROS "Myla" VALERIO y EMBUSCADO, a.k.a. "Marimar", with the crime of Parricide, defined and penalized under Article 246 of the Revised Penal Code, as amended by Republic Act 7659, committed as follows:

"That on March 18, 2000, at around 12:30 a.m., or thereabout, in Quezon City, Metro Manila, Philippines and within the jurisdiction of this Honorable Court, the above-named accused, with intent to kill, with treachery and evident premeditation, that is, having conceived and deliberated to kill her husband, Jun Valerio, Chief of Office of the Government Corporate Counsel with whom she was united in lawful wedlock, in consideration for a price, reward, or money and by taking advantage of nighttime, in conspiracy with one Antonio "Tony" Cabador, who is also charged with Murder in a separate Information, together with Martin Jimenez y Materum, Geronimo Quintana y Saguid and Samuel Baran y Cabador, the said accused Milagros Valerio, wilfully, unlawfully and feloniously, did then and there, induce and instigate Antonio Cabador to kill her husband Jun Valerio, and in pursuance of the said conspiracy, the said accused for murder shot Jun Valerio with the use of an unlicensed .38 caliber Armscor revolver with serial number 55004, hitting him on the different parts of his body, thereby inflicting upon him fatal wounds which caused his death shortly thereafter, to the damage and prejudice of the heirs of the victim."

CONTRARY TO LAW.[6]

Milagros filed an application for bail claiming that the evidence of guilt against her was not strong. The prosecution, on the other hand, moved to discharge accused Samuel Baran and to have him as state witness.

Meanwhile, Antonio Cabador was arrested. In his sworn statement, he stated that it was Milagros who planned the murder of Jun Valerio. Further, Antonio pleaded guilty to the charge of murder.

The RTC granted Milagros' application for bail, but denied the motion to convert Samuel as state witness. On March 5, 2002, Milagros posted a bailbond furnished by Central Surety and Insurance Company, and was ordered released.[7]

Herein petitioners, Laarni N. Valerio, sister of the victim, and the People of the Philippines, elevated the case to the Court of Appeals ascribing grave abuse of discretion to the RTC judge for granting Milagros bail and for denying the motion to convert Samuel as state witness.

In its assailed Decision, the appellate court found no grave abuse of discretion committed by the RTC. Hence, in her petition, petitioner Laarni N. Valerio raises the following issues:

I.

PUBLIC RESPONDENT COURT OF APPEALS ERRED IN HOLDING THAT IT FOUND NOTHING ARBITRARY OR CAPRICIOUS IN THE LOWER COURT'S EVALUATION OF THE EVIDENCE FOR PURPOSES SOLELY OF PRIVATE RESPONDENT MILAGROS "MYLA" VALERIO'S APPLICATION FOR BAIL.

II.

PUBLIC RESPONDENT COURT OF APPEALS ERRED IN HOLDING THAT THERE IS NO ABSOLUTE NECESSITY FOR THE TESTIMONY OF SAMUEL BARAN AS THE SAME WOULD ONLY CORROBORATE THE TESTIMONY OF MODESTO CABADOR THAT COVERED THE MATERIAL POINTS OF SAMUEL BARAN'S PROJECTED TESTIMONY.[8]

Petitioner People of the Philippines anchors its petition on the following grounds:

I.

WHETHER OR NOT THE COURT OF APPEALS COMMITTED REVERSIBLE ERROR IN HOLDING THAT THE TRIAL COURT DID NOT COMMIT GRAVE ABUSE OF DISCRETION IN GRANTING RESPONDENT MILAGROS VALERIO'S APPLICATION FOR BAIL; AND

II.

WHETHER OR NOT THE COURT OF APPEALS COMMITTED REVERSIBLE ERROR IN HOLDING THAT THE TRIAL COURT DID NOT COMMIT GRAVE ABUSE OF DISCRETION IN DENYING THE PROSECUTION'S MOTION TO DISCHARGE ACCUSED SAMUEL BARAN AS STATE WITNESS.[9]

In sum, the basic issues for our resolution are: (1) whether Milagros is entitled to bail; and (2) whether Samuel should be discharged as accused and be converted as state witness.

Petitioners contend that Milagros is not entitled to bail as the evidence of guilt against her is strong. They bank on the testimony of Modesto Cabador that he heard Milagros impatiently ask Antonio about their plot to kill Jun Valerio. They maintain that Milagros' unrestrained behavior in front of Modesto was not unusual considering Milagros' desperation and the fact that Modesto is Antonio's cousin. Petitioners point out that Milagros' high level of education, social orientation, or breeding does not prevent her from committing parricide. Petitioners aver that the inconsistencies in Modesto's testimony involve only minor details and collateral matters. Petitioners also assert that Antonio's plea of guilty to the charge of conspiring with Milagros in the murder of Jun Valerio indicated strong evidence of guilt against Milagros.

Petitioners further allege that Samuel's testimony is not merely corroborative of Modesto's testimony. Petitioners insist the testimonies of Samuel and Modesto differ on material points and are both indispensable to the prosecution. Petitioners contend that Samuel's testimony is absolutely necessary as he alone has knowledge that Antonio and Milagros carried out their plan to kill Jun Valerio, and that Martin Jimenez and Geronimo Quintana participated in the killing. According to petitioners, Samuel does not appear to be the most guilty; thus, he should be converted as state witness.

Milagros, however, counters that she is entitled to bail as a matter of right because the evidence of guilt against her is not strong. She stresses that the trial court's determination of the credibility of Samuel and Modesto deserves the highest respect because it has the peculiar advantage of hearing their testimonies and observing their deportment and manner of testifying. Milagros maintains there is no absolute necessity for Samuel's testimony, which she claims to be pure hearsay.

The consolidated petitions are impressed with merit.

Bail is not a matter of right in cases where the person is charged with a capital offense or an offense punishable by reclusion perpetua or life imprisonment. Article 114, Section 7 of the Revised Rules of Criminal Procedure, states, "No person charged with a capital offense, or an offense punishable by reclusion perpetua or life imprisonment, shall be admitted to bail when the evidence of guilt is strong, regardless of the stage of the criminal action."

In this case, the trial court had disregarded the glaring fact that the killer himself has confessed to the crime and has implicated Milagros as the mastermind. When taken in conjunction with the other evidence on record, these facts show very strongly that Milagros may have participated as principal by inducement in the murder of Jun Valerio. It was thus a grave error or a grave abuse of discretion committed by the trial court to grant her application for bail. The appellate court clearly committed a reversible error in affirming the trial court's decision granting bail to Milagros Valerio.

Likewise, the trial court committed grave abuse of discretion in denying unreservedly the prosecution's motion to discharge Samuel as state witness.

Section 17, Rule 119 of the Revised Rules of Criminal Procedure provides the requisites for the discharge of an accused to be a state witness:

SEC. 17. Discharge of accused to be state witness. - When two or more persons are jointly charged with the commission of any offense, upon motion of the prosecution before resting its case, the court may direct one or more of the accused to be discharged with their consent so that they may be witnesses for the state when, after requiring the prosecution to present evidence and the sworn statement of each proposed state witness at a hearing in support of the discharge, the court is satisfied that:

(a)

There is absolute necessity for the testimony of the accused whose discharge is requested;

(b)

There is no other direct evidence available for the proper prosecution of the offense committed, except the testimony of said accused;

(c)

The testimony of said accused can be substantially corroborated in its material points;

(d)

Said accused does not appear to be the most guilty; and

(e)

Said accused has not at any time been convicted of any offense involving moral turpitude.

x x x x

In denying the prosecution's motion to discharge Samuel as state witness, the trial court held that not all the foregoing requisites were met. The trial court held that there was no "absolute necessity" for Samuel's proposed testimony because it would only corroborate the testimony of prosecution witness Modesto. Said the trial court,

Before [Modesto] Cabador testified on the circumstances surrounding the killing of the victim there was no direct evidence to establish the identity of the plotters and their underlying motive to kill Justice Valerio. Cabador's testimony supplied the necessary evidence to link Antonio and Milagros to the murder to the victim.

It is the belief of the Court that the proposed testimony of [Samuel] Baran would merely corroborate that already given by Modesto. As correctly pointed out by accused [Milagros] Valerio, the instant motion has been rendered moot and academic by recent events which transpired after its filing.

Clearly then, there is a person who can supply the DIRECT evidence and that is Modesto Cabador. Hence, the testimony of [Samuel] Baran is not absolutely necessary.

Had the prosecution deferred the presentation of Modesto and instead presented its other witnesses listed in the Informations and the pre-trial order, the situation might have been different...[10]

The trial court, however, misapprehended the import of the proposed testimony of Samuel to the successful prosecution of the case against the other accused. While the testimony of Modesto tends to establish that Milagros and Antonio plotted the killing of Jun Valerio, the evidence that would prove that Milagros and Antonio carried

out their sinister plan to eliminate the said victim is supplied by Samuel who stated the following in his sworn statement dated May 16, 2000:

- T: Ito bang hinala mo na sina TONY CABADOR ang pumatay kay JUN VALERIO ay napatunayan mo?

S: Opo, napatunayan ko na sina TONY CABADOR ang pumatay noong nag-inuman kami noong March 20, 2000 sa tindahan ni JOJO doon po sa Malipay, Bacoar, Cavite, dahil ang sabi niya hindi siya makaconcentrate sa pag-inom pag hindi dumating yong taksi driver na ginamit nila noong gabi na patayain nila si JUN VALERIO, dahil may usapan sila noong taksi driver na babalik at magdadala ng tahong para pulutan sa inuman. Kapag hindi bumalik ang taksi driver ng Martes siguradong nahuli na ng NBI at maituturo sila ng taksi driver ayon kay TONY CABADOR.

- T: Hanggang anong oras kayo nag-inuman sa tindahan ni JOJO?

S: Hanggang alas kuwatro ng hapon March 20, 2000, pagkatapos ay dumaan kami sa bahay ni TONY CABADOR sa Malipay na ipinagawa rin ni MARIMAR para sa kanilang dalawa ni CABADOR. Pagkatapos ay dumiritso (sic) kami sa bahay ni TONY CABADOR na ipinagawa din ni MARIMAR sa Camp Sampaguita, Sitio Mapalad, Muntinlupa, Metro Manila. Pagdating ng gabi ay doon uli kami sa bahay ni BOB natulog. Ayaw na ni TONY CABADOR na matulog kami sa kaniyang bahay.

- T: Ano uli ang iyong napansin kay TONY CABADOR?

S: Ganoon din po uli ang napansin ko kay TONY CABADOR na hindi makatulog ng maayos panay na lang po ang ikot at pag nakarinig siya ng sasakyan [na] pumapasok ay tumatayo kaagad at sisilipin niya kung sino ang may sakay.

- T: Ano ang ginawa ninyo kinabukasan?

S: Kinabukasan, bale March 21, 2000 araw ng Martes, umaga bumalik na naman kami doon sa bahay ni ANTONIO CABADOR na ipagawa ni MARIMAR para sa kanilang dalawa sa Camp Sampaguita, Sitio Mapalad, Muntinlupa City. Pagdating ng alas onse ng umaga umalis na ako patungong Brgy. Tunasan Midland Subd., Muntinlupa City sa bahay ng kapatid ko.

- T: Kailan uli kayo nagkita ni ANTONIO CABADOR?

S: Matagal-tagal po Sir, mahigit isang buwan at noong kami ay magkita sa bahay niya sa #4441 Mauling St., Camp Bagong Diwa, Bicutan, Taguig, Metro Manila ay tinanong niya kaagad sa akin kung may balita pa ba sa diyaryo tungkol sa VALERIO CASE.

- T: Anong sinagot mo sa kanya?

S: Ang sagot ko po sa kaniya ay wala na pong balita tungkol sa VALERIO CASE, ang sabi po niya "Salamat naman at nasabay sa giyera sa Mindanao at natabunan na yong kaso sa VALERIO CASE." [11]

It must also be stressed that Milagros and Antonio are not the only accused in the consolidated criminal cases (Q-00-93291 and Q-00-93292) pending trial before the lower court. Aside from the two, the other accused are Martin Jimenez and Geronimo Quintana. The testimony of Modesto is silent on the participation of Martin Jimenez and Geronimo Quintana in the killing of Jun Valerio. Thus, there is more need to discharge Samuel as state witness as he alone has personal knowledge on the involvement of the other two accused as shown by the following portions of his aforementioned sworn statements:

- T: Meron ba siyang nakitang tao na papatay kay JUSTICE JUN VALERIO?

S: Opo sir, ganito yon, noong December 1999 nag-iinuman kami sa bahay ni ANTONIO CABADOR sa Malipay, Bacoar, Cavite nina MARTIN JIMENEZ, ALEJANDRO BUENAVENTURA, BOB BELTRAN at

dalawa [pang] iba na hindi ko kilala. At doon ay binanggit ni CABADOR na mayroon siyang ipapatay, sumagot naman si MARTIN JIMENEZ at si ALEJANDRO BUENAVENTURA ng ganito, "Uncle subukan mo naman kami para malaman mo kung sino kami."

- T: Ano ang naging sagot ni TONY CABADOR?

S: "Sige subukan ko kayo pag-usapan natin, yong tayo-tayo lang, yong walang ibang makakarining" sabi ni TONY CABADOR.

- T: Nabuo ba ang plano na patayin (sic) nina TONY CABADOR, MARTIN JIMENEZ at ALEJANDRO BUENAVENTURA?

S: Nabuo po yon makalipas ang ilang araw sa isa ring inuman sa bahay ni TONY CABADOR sa Malipay, Bacoor, Cavite, buwan din ng Disyembre 1999. Doon nila pinag-usapan nina ALEJANDRO BUENAVENTURA, MARTIN JIMENEZ at ANTONIO CABADOR ang planong pagpatay kay JUN VALERIO. Naroroon din po ako at nakikipag-inuman sa kanila at naririnig ko ang kanilang usapan tungkol sa pagpatay kay JUN VALERIO.

- T: Ano ang narinig mo sa kanilang usapan noong araw na yon ng Disyembre 1999?

S: Ang sabi ni CABADOR "mayroon kaming ipapatay ni MARIMAR at kami na ang bahala sa inyo."

- T: Nabanggit ba nila kung kailan nila isasakatuparan ang pagpatay kay JUN VALERIO?

S: Hindi po.

- T: Mayroon bang halaga o pera na ipinangako si ANTONIO CABADOR kina ALEJANDRO BUENAVENTURA at MARTIN JIMENEZ?

S: Wala po, basta ang sabi ni ANTONIO CABADOR kina BUENAVENTURA at JIMENEZ ay "kami ang bahala sa inyo ni MARIMAR."

- T: Kilala ba nina ALEJANDRO BUENAVENTURA at MARTIN JIMENEZ si MARIMAR?

S: Opo, dahil nakikita na nila si MARIMAR noong nagpapagawa pa sila ng bahay ni CABADOR sa Camp Sampaguita. Dahil mismong sina ALEJANDRO BUENAVENTURA at MARTIN JIMENEZ ang gumawa ng bahay nina MARIMAR at CABADOR.

- T: Alam ba nina MARTIN JIMENEZ at ALEJANDRO BUENAVENTURA na ang papatayin nila ay asawa ni MARIMAR?

S: Hindi po, basta ang alam lang nila ay mayroon silang papatayin.

x x x x

- T: Alam mo ba kung sino ang magkakasama noong patayin si JUN VALERIO?

S: Opo, ang magkakasama ay sina ANTONIO CABADOR, MARTIN JIMENEZ, GERONIMO QUINTANA at yong taxi driver.[12]

From the foregoing, it is evident that the proposed testimony of Samuel is not merely corroborative of the testimony of Modesto, contrary to what the lower court believed.

Moreover, the evidence presented by the prosecution in support of its motion to discharge Samuel as state witness shows that he is not the "most guilty." Said accused did not plot the killing of Jun Valerio like Antonio and Milagros. He did not volunteer to carry out the killing like his co-accused Martin Jimenez. Neither did he provide the vehicle which facilitated the commission of the crime like his co-accused Geronimo Quintana. At most, his

participation appears to be limited to serving as a lookout. Surely, this act alone does not qualify him to be considered as the "most guilty."

The trial court said that from the evidence presented by the prosecution, Samuel was present on the two occasions in December 1999 when Antonio discussed the plot to kill Jun Valerio. The trial court added that a "neighbor of the Valerio also gave a statement that he saw [Samuel] within the vicinity of the locus criminis an hour before the killing." With these observations, the trial court ruled that "it is still premature to conclude on the participation of [Samuel]" as "there was no basis yet to find him as not the most guilty."

But even assuming that it cannot be determined yet whether Samuel is not the "most guilty," the trial court should have held in abeyance the resolution of the prosecution's motion to discharge Samuel as state witness and should have waited for the presentation of additional evidence to enable it to determine the precise degree of culpability of said accused. As held in *Flores v. Sandiganbayan*:^[13]

At any rate, the discharge of an accused may be ordered "at any time before they (defendants) have entered upon their defense," that is, at any stage of the proceedings, from the filing of the information to the time the defense starts to offer any evidence. In the case at bar, considering the opposition of herein petitioners to the motion for the discharge of Abelardo B. Licaros, particularly the contention that he (herein private respondent) is the most guilty and that his testimony is not absolutely necessary, the trial court should have held in abeyance or deferred its resolution on the motion until after the prosecution has presented all its other evidence. Thereafter, it can fully determine whether the requisites prescribed in Section 9 [Now Section 17], Rule 119 of the New Rules of Court, are fully complied with.

WHEREFORE, the instant consolidated petitions are GRANTED. The assailed Decision dated April 28, 2004 and Resolution dated July 1, 2004 of the Court of Appeals in CA-G.R. SP Nos. 71900 and 72132, affirming the subject Resolution dated February 26, 2002 and Orders of the Regional Trial Court of Quezon City, Branch 81, in Criminal Case Nos. Q-00-93291 and Q-00-93292, are REVERSED AND SET ASIDE. The Regional Trial Court of Quezon City, Branch 81, is directed to CANCEL the bail posted by accused Milagros E. Valerio and to order her immediate arrest and detention.

SO ORDERED.

Carpio, Carpio-Morales, Tinga, and Velasco, Jr., JJ., concur.

[1] Rollo (G.R. Nos. 164311-12), pp. 45-56. Penned by Associate Justice Remedios A. Salazar-Fernando with Associate Justices Mario L. Guariña III and Lucas P. Bersamin concurring.

[2] Id. at 62. Penned by Associate Justice Remedios A. Salazar-Fernando with Associate Justices Mario L. Guariña III and Arturo D. Brion concurring.

[3] Id. at 169-178. Penned by Presiding Judge Ma. Theresa L. Dela Torre-Yadao.

[4] Id. at 163-168; 220; 221 dated February 20, 2002; June 5, 2002; and June 6, 2002, respectively.

[5] Id. at 72-73.

[6] Id. at 75-76.

[7] Records, Vol. II, pp. 1231-1251.

[8] Rollo (G.R. Nos. 164406-07), p. 236.

[9]Rollo (G.R. Nos. 164311-12), pp. 370-371.

[10]Id. at 166-167.

[11] Rollo (G.R. Nos. 164406-07), pp. 133-134.

[12] Id. at 134-136.

[13] No. L-63677, August 12, 1983, 124 SCRA 109, 113-114.

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.