

PEOPLE OF THE PHILIPPINES, PLAINTIFF-APPELLEE, VS. BENIANO RENEJANE, IRENEO NICK LABORTE, BENJAMIN PURISIMA, PAULINO LABORTE, LORETO BACUS AND RODOLFO RIPDOS, ACCUSED-APPELLANTS.

G.R. Nos. 76954-55. February 26, 1988

Ponente: GUTIERREZ, JR., J.

Read online (full-text search, related cases, audio case brief): <https://batas.org/library/g-r-nos-76954-55/>

GUTIERREZ, JR., J.:

This is an appeal from the decision of the Regional Trial Court of Cebu, Branch VIII, finding appellant Beniano Renejane guilty beyond reasonable doubt of the crime of Double Murder. The dispositive portion of the decision reads as follows:

"THE FOREGOING CONSIDERED, the Court finds the accused, BENIANO RENEJANE, guilty beyond reasonable doubt of the crime of Double Murder, as defined and penalized in accordance with Art. 248 of the Revised Penal Code and hereby imposes upon him, by way of imprisonment.

"In Case No. 12560, the penalty of reclusion Perpetua; and

"In Case No. 12561, similarly, the penalty of reclusion perpetua.

"To indemnify the heirs of Mario de Jesus and Regino Mara-asin the amount of P30,000.00 each, and finally, with costs against him." (p. 38. Rollo)

The accused-appellant with five other persons identified as Ireneo Nick Laborte, Benjamin Purisima, Paulino Laborte, Loreto Bacus and Rudolfo Ripdos were charged in two separate informations for two counts of murder allegedly committed as follows:

"That on the 1st day of November, 1981, at 11:00 o'clock in the evening, in Barangay Lamesa, Municipality of Balamban, Province of Cebu, Philippines, and within the jurisdiction of this Honorable Court, the above-named accused, conspiring, confederating and mutually helping one another, armed with hunting knives, Japanese bayonet, ice-pick and long bladed bolo, with deliberate intent to kill and employing a means to weaken the victims' defenses by making them drunk, taking advantage of superior strength and by deliberately and inhumanly augmenting the victims' suffering by inflicting several unnecessary wounds despite the defenseless victims were already dead, did then and there willfully, unlawfully and feloniously assault, attack and stab Regino Mara-asin, thereby causing upon the latter several wounds at the different parts of his body which caused his instantaneous death."

xxx xxx xxx

"That on the 1st day of November, 1981, at 11:00 o'clock in the evening, in Barangay Lamesa, Municipality of Balamban, Province of Cebu, Philippines, and within the jurisdiction of this Honorable Court, the above-named accused, conspiring, confederating and mutually helping one another, armed with hunting knives, Japanese bayonet, ice-pick and long bladed bolo, with deliberate intent to kill and employing a means to weaken the victims' defenses by making them drunk, taking advantage of superior strength and by

deliberately and inhumanly augmenting the victims' suffering by inflicting several unnecessary wounds despite the defenseless victims were already dead, did then and there willfully, unlawfully, and feloniously assault, attack and stab Regino Mara-asin, thereby causing upon the latter several wounds at the different parts of his body which caused his instantaneous death." (pp. 28-29, Rollo)

The prosecution's evidence upon which the finding of guilt beyond reasonable doubt was based is narrated by the trial court as follows:

"An eyewitness to the killing of Mario de Jesus and Regino Mara-asin was Pablo Sumandig who testified thus:

"Q. Now, while drinking there, do you recall of any incident that transpired in the third house according to you?

"A. Yes, sir.

"Q. What happened, tell the Court?

"A. At the third house, they have an altercation about the marijuana.

"Q.

Altercation between whom?

"A. Renejane and the policeman, sir.

"Q. Then after that altercation, what happened next?

"A. What I heard was this. You continue to apprehend who has marijuana as if you won't die.

"Q. Then what transpired after that?

"A.

I saw Paulino Laborte pulling a knife.

"Q. And will you please tell the Court where did you and the rest who were drinking stay in a particular house, the third house?

"A. Upstair, sir.

"Q. Now, when Paulino Laborte drew his weapon, what transpired?

"A. He stabbed the policeman.

"Q. Do you recall if the policeman was hit?

"A. Yes, sir.

"Q. When you said policeman, to whom do you refer?

"A. Mario de Jesus, sir.

"Q.

And how about the rest of the group, what did you notice?

"A. Beniano Renejane was the one who made the second stabbing.

"Q. Do you know of any other person that was injured on that incident?

"A. There was.

"Q. Who was that man?

"A. Regino Mara-asin.

"Q. Now, do you know why Regino was wounded?

"A. Because I saw him also being stabbed.

"Q. Who stabbed Regino?

"A. I forgot his name but if I can see his face, I can identify.

"Q. How many persons were there who participated in the stabbing that you saw?

"A. The three of them, sir.

"Q. Who were they?

"A. He is included, sir (witness referring to the accused present). (TSN, Dec. 12, 1984, p. 13).

"Underscoring supplied.

"In his testimony of January 8, 1985, p. 10, Pablo Sumandig again testified:

"A. Paulino first made the attack, then next Beniano and following by Ripdos.

"Q. What about Ireneo Laborte, what was he doing?

"A. This Ireneo made the attack. I saw Ireneo made the attack after my return from the house of Reynoso Mara-asin.

"And again:

"Q. If it is true that you saw the attack, where was Mario de Jesus hit by Beniano?

"A. I can't remember where he was hit but I saw him making the attack.

"It has been established that the witness, Pablo Sumandig was in the house of Paulino Laborte at the time the incident took place. Reynoso Mara-asin testified that he invited Pablo Sumandig to accompany him to Balamban on November 1, 1981. (TSN, Jan. 10, 1985, p. 3). Reynoso and Pablo arrived in Lamesa, Balamban at around two o'clock in the afternoon of November 1, 1981. They ate lunch at the house of Reynoso's parents and then proceeded to the house of Artemio Ripdos where they (Reynoso and Regino Mara-asin and Pablo

Sumandig) drank some bottles of beer. (TSN, Jan. 10, 1985, pp. 4-5). Artemio Ripdos, in his testimony given on January 17, 1985 (p. 3) attested to the presence of Reynoso and Regino Mara-asin and Pablo Sumandig in his house-cum-store in the afternoon of November 1, 1981.

"Patrolman Mario de Jesus, his wife Violeta and a companion, Michael Madrigal, were already in the house of Artemio Ripdos as invited guests.

"At around five o'clock in the afternoon of the same day, Beniano Renejane, Nick Laborte and Benjamin Purisima arrived at the store. Beniano invited the policeman and his companion, Reynoso and Regino Mara-asin and Pablo Sumandig to his house to partake of some food and drinks. All eight of them proceeded to Beniano Renejane's house.

"From Beniano Renejane's house, the group proceeded to the house of Nick Laborte and then to the house of Nick Laborte's mother (TSN, July 16, 1985, pp. 5-6). From the house of Nick Laborte's mother, the group then proceeded to Paulino Laborte's house. Reynoso Mara-asin, however, did not proceed to Paulino Laborte's house. He returned to his parents' house because he wanted them to know his whereabouts. Beniano Renejane would also have us believe that he stayed behind at the house of Nick Laborte's mother and did not accompany the group to Paulino Laborte's house (TSN, July 16, 1985, p. 7). This is belied by the testimony of Pablo Sumandig, thus:

"Q. From the last house where you said you also drunk beer and of other foods served, do you recall where again did you and your group go?

"A. Yes sir.

"Q. Will you please tell the Court?

"A.

We proceeded to the third house, sir.

"Q. And who proceed there?

"A. Myself, Regino, the policeman and his companion and the three other persons who initially invited us. (TSN, Dec. 17, 1984, p. 12)

"The 'three other persons who initially invited us' have been established as Beniano Renejane, Benjamin Purisima and Nick Laborte. Thus:

"Q. What were they doing in your house this Beniano Renejane, Nick Laborte and Benjamin Purisima?

"A. They invited the policeman.

"Q. Only the police was invited?

"A. Michael Madrigal.

"Q.

Who else was invited if you can recall?

"A. Reynoso and Pablo Sumandig and Regino. (Artemio Ripdos, TSN, Jan. 17, 1985)

"Pablo Sumandig firmly establishes Beniano Renejane's presence by telling the court of an altercation that even broke out between Renejane and Patrolman Mario de Jesus. Thus:

"Q. Now, while drinking there, do you recall of any incident that transpired in the third house according to you?

"A. Yes, sir.

"Q. What happened, tell the Court?

"A. At the third house, they have an altercation about marijuana.

"Q. Altercation between whom?

"A. Renejane and the policeman, sir.

"That there was indeed an altercation between Renejane and the policeman is very credibly narrated by Reynoso Mara-asin who stated that some time on October 2, 1981, Renejane was apprehended by Patrolman Mario de Jesus for illegal possession of marijuana and that Regino Mara-asin was suspected of having been the informer. (TSN, Jan. 10, 1984, p. 15) Thus, we now see the motive for the slaying. Beniano Renejane surely must have harbored a grudge against Patrolman Mario de Jesus and Regina Mara-asin, Fueled as it was by the amount of alcoholic beverage that had been imbibed by the group, it is no wonder that violence resulted." (pp. 29-33, Rollo)

Judgment was rendered against Beniano Renejane, as his five co-accused remained at large.

Appellant Renejane raised the following assignment of errors in this appeal:

- THE TRIAL COURT ERRED IN GIVING CREDENCE TO THE OTHERWISE DOUBTFUL TESTIMONY OF PROSECUTION WITNESS PABLO SUMANDIG;
- THE TRIAL COURT ERRED IN NOT CREDITING DEFENSE WITNESS EPIFANIA RIPONTE, SISTER OF THE DECEASED VICTIM REGINO MARA-ASIN TO THE EFFECT THAT PABLO SUMANDIG WAS NEVER AT BARANGAY LAMESA,, BALAMBAN, CEBU ON NOVEMBER 1, 1981; and
- THE TRIAL COURT ERRED IN NOT CORRECTLY APPRECIATING THE INNOCENCE OF ACCUSED-APPELLANT BENIANO RENEJANE AS MAY SAFELY BE INFERRED FROM THE

IMMEDIATE FLIGHT FROM JUSTICE OF THE PRINCIPAL SUSPECTS IN THE KILLINGS WHILE APPELLANT REMAINED WORKING IN CEBU CITY. (Appellant's Brief, pp. 3-4)

All the assigned errors center on whether or not the trial court erred in determining the credibility of the witnesses and the weight given to their testimonies.

We have held in a long line of cases that a trial court's findings of facts carry great weight for it has the privilege of examining the deportment and demeanor of witnesses and, therefore, can discern if such witnesses are telling the truth or not. (*People v. Ramilo*, 147 SCRA 102; and *People v. Sequerra*, G. R. No. 58574, October 12, 1987). We have carefully examined the records and we find no reason to depart from the trial court's appreciation of the evidence of the prosecution and that of the defense.

The appellant tries to impeach the testimony of the principal prosecution witness, Pablo Sumandig by pointing out that Sumandig allowed nine months and seventeen days to elapse from the date of the incident before he executed an affidavit identifying the appellant as one of the perpetrators of the crime.

It is well-settled in our jurisdiction that delay of witnesses in informing others of what they know about a criminal offense will not affect their credibility, where delay is satisfactorily explained. (*People v. Andres*, G.R. No. 75355, October 29, 1987).

In the case at bar, the delay was fully explained.

As noted by the Solicitor General:

"Pablo Sumandig however explained that after the incident, although he and Reynoso went to the police station for investigation, they were informed by the station commander that since one of the victims was one of their members, they would make a proper investigation and they would be called when needed. They were never called (TSN, January 8, 1985, pp. 10-11). Moreover, Pablo Sumandig left his home in Cebu City in the afternoon after the stabbing incident (TSN, December 17, 1984, p. 27). It was only during the preliminary investigation of the case in the office of the Provincial Fiscal of Cebu, due to the complaints of the widow of Patrolman Mario de Jesus and Reynoso Mara-asin that Pablo Sumandig executed an affidavit, declaring that three persons participated in the killing of the victims though he did not mention the name of appellant (pp. 29-30, Record, Crim. Case No. 12561)." pp. 17-18, Rollo. Solicitor General's Brief).

The appellant further casts doubt to Sumandig's testimony contending that defense witness Epifania Riponte belied the claim that Sumandig was in Barangay Lamesa in the evening of November 1, 1981.

The appellant alleges that Riponte, being the sister of one of the deceased, Regino Mara-asin, would have no other reason to give her testimony except to tell the truth. Therefore, the only logical inference that can be drawn from her testimony is that Sumandig never witnessed the commission of the crimes.

A perusal of the records shows that Riponte did not testify to the effect that Sumandig was never at Barangay Lamesa on November 1, 1981. In fact, Riponte testified that she does not know Sumandig (p. 5, TSN, May 20, 1985). Therefore, Riponte was in no position to belie any claim as to Sumandig's whereabouts.

Moreover, Riponte testified that she was in her own house on November 1, 1981 (p. 1, TSN, May 20, 1985). She went to her parents' house in the morning and left at noontime (p. 8, TSN). She could not have seen her brother Reynoso with Sumandig when they ate lunch at the house of their parents at around two o'clock as this was way past the time that Riponte was there. By that time, she had gone back to her house.

Therefore, the contention that Sumandig could not have witnessed the commission of the crimes based on Riponte's testimony, is without merit.

The appellant then alleges that his innocence is shown from the fact that he continued working in Cebu City after the killings unlike the other accused who took immediate flight.

As observed by the Solicitor General:

"Appellant thought that he would no longer be made defendant since the Municipal Circuit Court of Asturias-Balamban, in his order dated November 6, 1981, in Crim. Case No. 2001, found only Paulino Laborte as the only person liable for the double slaying." (p. 18, Rollo, Solicitor General's Brief)

Also, this allegation cannot prevail over the positive identification made by the prosecution witnesses Pablo Sumandig and Reynoso Mara-asin that the appellant was one of the assailants of the victims de Jesus and Mara-asin.

Thus, the denials made and the alibi advanced by the appellant cannot prevail over their positive identification.

In rejecting the appellants' alibi, the trial court ruled that:

"The court does not believe eventually Beniano Renejane's defense of alibi that he remained at the house of the mother of Nick Laborte (Leonila Laborte, and did not proceed with the group to the house of Paulino Laborte. As it is, an alibi can easily be fabricated and it is not also impossible for Beniano Renejane to have gone to Paulino Laborte's house because the latter's house was quite near. (p. 56, Rollo)

As has been consistently held, alibi is the weakest of all defenses specially where it has not been shown that it was not physically impossible for the accused to have been present at the place where the crime was committed at the time it was perpetrated. (People v. Andres, supra; and People v. Briosos, G.R. No. 72028-31, November 9, 1987).

Furthermore, the evidence shows that appellant had a motive in killing Patrolman Mario de Jesus. The latter apprehended appellant Renejane for illegal possession of marijuana and the other victim, Regino Mara-asin was suspected by the appellant as the informer. (pp. 3-4, TSN, December 17, 1984; p. 15, TSN, January 10, 1984; p. 6, Trial Court's decision).

In the case at bar, the aggravating circumstances that attended the commission of the crime are: (1) abuse of superior strength; (2) outraging the victims' corpses; (3) disregard of the respect due the offended party on account of his rank; and (4) drunkenness.

Only the aggravating circumstance of the act being in disregard of rank is appreciable in the case at bar.

The circumstance of abuse of superior strength is inherent in treachery. The lower court erred in considering the infliction of wounds even after the victims were already dead as a qualifying circumstance. Under the facts of the case, it is clear that such action cannot be deemed as an aggravating circumstance either as to the means employed or circumstances brought about to add ignominy to the natural effects of the crime, or that the wrong done in the commission of the crime is deliberately augmented by another wrong not necessary for its commission. (Revised Penal Code, Arts. 14, [17] and [21]). (See People v. Balondo, 30 SCRA 155; People v. Pantoja, 25 SCRA 468; People v. Marcina, 77 SCRA 238; U.S. v. Abaigar, 2 Phil. 417; People v. Curiano, 9 SCRA 323; People v. Valera, 90 SCRA 400). There is no showing that any wounds inflicted after the death of the victims were intended to outrage or scoff at them. The assailants were carried away by the intensity of their attack as attested by the nature of the wounds inflicted but no desire to add ignominy to the offense is apparent from the evidence.

The fact that the accused drank liquor prior to the commission of the crime did not necessarily qualify such action as an aggravating circumstance. Intoxication is aggravating if it is habitual or intentional. There is no finding of either by the lower court. The affair was an ordinary drinking party. Neither can this be considered as a mitigating circumstance in the absence of proof that the intake of alcoholic drinks was of such quantity as to blur the

appellant's reason and deprive him of a certain degree of control. (See *People v. Boduso*, 60 SCRA 60). This finding is strengthened by the fact that treachery has been established. Therefore, the means of execution employed were deliberately or consciously adopted.

While we affirm the findings of the trial court, the penalties imposed will have to be modified.

Following the precedents set forth in *People v. Masangkay*, (G.R. No. 73461, January 25, 1988); *People v. Lopez* (G.R. Nos. 71875-76, October 20, 1988); and *People v. Gavarra* (G.R. No. L-37673, October 20, 1987), the penalty is modified from reclusion perpetua to reclusion temporal in its maximum period to reclusion perpetua.

WHEREFORE, the judgment appealed from is hereby **AFFIRMED** except that the accused Beniano Renejane is sentenced to suffer in each case the penalty ranging from a minimum of **SEVENTEEN (17) YEARS, FOUR (4) MONTHS and ONE (1) DAY** of reclusion temporal in its maximum period to a maximum of reclusion perpetua, and to indemnify the heirs of Mario de Jesus and Regino Mara-asin the amount of **THIRTY THOUSAND PESOS (P30,000.00)** each, and to pay the costs.

SO ORDERED.

Fernan, (Chairman), Feliciano, Bidin, and Cortes, JJ., concur.

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.