

****Title:**** People of the Philippines v. Mario Tabaco, 336 Phil. 771

****Facts:****

On March 22, 1987, at the Octagon Cockpit Arena in Aparri, Cagayan, Mario Tabaco, armed with an M-14 rifle, allegedly shot and killed Capt. Oscar Tabulog, ex-Mayor Jorge Arreola, Felicito Rigunan, and Pat. Romeo Regunton, and wounded Sgt. Benito Raquepo and Jorge Siriban, Jr. Tabaco claimed he was at the arena to assist in maintaining peace when he heard a gunshot above him and fired a warning shot. His firearm allegedly went off during a confrontation when an officer tried to disarm him. Numerous prosecution witnesses, including eyewitnesses, testified seeing Tabaco directing gunfire at the victims. Subsequently, Mario Tabaco was charged with four counts of murder and with homicide and frustrated homicide for the death of Siriban and the injury to Raquepo. All cases were consolidated before the Regional Trial Court of Aparri, Cagayan, Branch 10.

During the trial, the prosecution presented several eyewitnesses who testified to seeing Tabaco shoot the victims deliberately. Tabaco surrendered to police the following day but claimed it was primarily due to the accidental shooting of Sgt. Raquepo and Jorge Siriban, not the others he allegedly killed. The trial court found him guilty of the charges based on the testimonies of the eyewitnesses.

****Issues:****

1. Whether the trial court erred in convicting Mario Tabaco of four counts of murder and one count of homicide with frustrated homicide due to a lack of credible evidence.
2. Whether the trial court correctly held Tabaco liable for the deaths, considering the defense's claim of accidental shooting.
3. Whether the trial court was correct in consolidating the multiple charges under a single information by treating them as a complex crime.

****Court's Decision:****

1. ****Guilty of Murder (Four Counts):**** The Supreme Court upheld the trial court's finding of guilt, citing the credibility of the prosecution's eyewitnesses, who positively identified Tabaco as the perpetrator who shot the victims. Despite the defense's claims of self-defense and accidental discharge, the Court found overwhelming evidence from eyewitnesses that Tabaco intentionally fired at the victims.
2. ****Guilty of Homicide with Frustrated Homicide:**** The Court supported the finding that

Tabaco was responsible for the homicide of Siriban and the injury of Raquepo, rejecting his claim of an accidental discharge. The testimonies of witnesses establishing that Tabaco was the aggressor who pointed his gun and shot Raquepo and Siriban were favored over Tabaco's defenses.

3. **Complex Crime Not Applicable:** The trial court was incorrect in sentencing Tabaco to a single penalty of reclusion perpetua for all four murders when each victim's death resulted from multiple gunshots. Citing precedent, the Court concluded that each death constituted a separate offense, not a single complex crime.

Doctrine:

- For a crime to be considered complex under Article 48 of the Revised Penal Code, it must be composed of a single act resulting in multiple offenses or one offense being a necessary means for committing another. Multiple shots from an automatic weapon resulting in multiple deaths constitute separate offenses.
- Positive identification by witnesses is weighted more heavily than a defendant's denial when assessing credibility.

Class Notes:

- **Complex Crimes (Art. 48, RPC):** A single act resulting in multiple offenses may be considered a complex crime; one act causing different victims' deaths constitutes separate crimes.
- **Credibility Assessment:** Eyewitness testimony can outweigh denial, especially when witnesses have no ill motive.
- **Firing on Public:** Reckless use of an automatic firearm resulting in death/injury holds the perpetrator criminally liable due to implied criminal intent.

Historical Background: The case unfolded post-EDSA Revolution (1986), during a period of political transition and social unrest in the Philippines. Concerns about political violence and law enforcement's use of firearms were prevalent, reflecting broader issues of governance and civil order at the time.