

FIRST DIVISION

[G.R. No. 247907, December 02, 2020]

**PEOPLE OF THE PHILIPPINES, PLAINTIFF-APPELLEE, VS.
ANTONIO ANSUS, ACCUSED-APPELLANT.**

D E C I S I O N

CARANDANG, J.:

This is an appeal^[1] seeking to reverse and set aside the Decision^[2] dated December 7, 18 of the Court of Appeals (CA) in CA-G.R. CR-HC No. 09711. The assailed Decision of the CA affirmed the Decision^[3] dated July 10, 2017^[4] of the Regional Trial Court (RTC) of Sorsogon City, Branch 53 finding accused-appellant Antonio Ansus (Ansus) guilty beyond reasonable doubt of murder and sentencing him to suffer the penalty of *reclusion perpetua*.

On November 3, 2011, Ansus was charged with the murder of Antonio M. Olitan, Jr:

That on or about 9:30 o'clock in the evening of August 15, 2011 at Barangay Pandan, Municipality of Castilla, Province of Sorsogon, Philippines and within the jurisdiction of this Honorable Court, the above-named accused, armed with a deadly weapon, with intent to kill, and by treachery and evident premeditation, did then and there willfully, unlawfully and feloniously attack, assault and strike ANTONIO M. OLITAN, JR., inflicting upon the latter mortal wounds in the head, which caused his immediate death, to the damage and prejudice of his legal heirs.

CONTRARY TO LAW.^[5]

When arraigned, Ansus pleaded not guilty.^[6] During pre-trial conference,^[7] the following were stipulated: (1) the identity of appellant as the person arraigned, (2) the fact of death of Antonio Olitan (Olitan) based on his Death Certificate^[8] but not as regards the time, date, and place of the incident, (3) the existence and due execution of the Spot Report^[9] but not its contents, and (4) the existence and due execution of the Blotter Certification^[10] but not the contents thereof. Trial on the merits then ensued.

The prosecution presented: (1) Myrna Olitan; (2) Dr. Salve Bermundo-Sapinoso; (3) Magno Lacsa; and (4) Erlindo Buatis as its witnesses.

During trial, Myrna Olitan (Myrna) testified that on August 15, 2011 at 9:30 p.m., she and her husband Olitan were inside their home watching television when they noticed that a stone was hurled on their roof. After this happened for the second time, Myrna and Olitan went outside and they saw Ansus in front of his house, which is 12 meters away from their home. Olitan asked Ansus why he was hurling stones at their house. Both Myrna and Olitan walked towards Ansus.^[11] Suddenly, Myrna

saw – from 12 meters away – Ansus strike Olitan once at the back on the neck with a crow bar. Seeing her husband fall on the ground, Myrna felt scared, urinated, and immediately went inside their house.^[12]

Fifteen minutes later, Myrna heard the voices of the members of the Philippine Army. Six of them went to her house along with Barangay Tanods Danilo Atisado and Jimmy Timban. Myrna went outside of their home and brought her husband to the hospital but he was declared dead on arrival.^[13] When asked if she said anything to the responding members of the Philippine Army and the barangay tanods, Myrna disclosed that she was not able to say anything to them and that she even lost consciousness because she was so afraid that her husband is already dead.^[14] She stated that the back of her husband was turned towards Ansus when Ansus struck her husband with a crow bar approximately one meter in length.^[15] She shared that prior to the killing of her husband, Ansus and Olitan had a heated argument regarding Ansus' fence which encroached the land of their daughter's, Mylene Andes.^[16]

On cross-examination, Myrna admitted that she never saw Ansus throwing stones on the roof of their house.^[17] She explained that she was not able to report to the members of the Philippine Army nor to the barangay tanods that Ansus killed her husband because: (a) she lost consciousness on the night her husband was slain; and (b) that she regained consciousness when the cadaver was already loaded inside the vehicle. She divulged to the authorities that Ansus killed her husband only after the latter's burial.^[18]

When questioned by the RTC, Myrna demonstrated that her husband was positioned sideways to Ansus when the latter struck him. Myrna added that Ansus threatened her and her husband on April 20, 2011 but she did not report the incident to the police because she still has confidence in Ansus because they are neighbours.^[19]

Magno Lacsa (Lacsa) – Olitan's brother-in-law and *compadre* to Ansus – recounted that on August 8, 2011 at 3:00 p.m., he was at Mylene Andes' (Andes) house to borrow money from his niece. Andes informed Lacsa that her father, Olitan, and Ansus had an argument.^[20] Lacsa asked Andes where he can find Ansus and Andes answered that Ansus was home. Lacsa went to Andes' house and advised Ansus to peacefully resolve his issue with Olitan. Ansus told Lacsa that he would not have been upset if Olitan did not bring their issue to the barangay. When Lacsa was about to leave, Ansus followed him and asked, "If I kill your brother-in-law, will you side with him?" Lacsa replied, "It depends."^[21]

On cross-examination, Lacsa revealed that Myrna is the sister of his wife but Myrna did not talk to him at all about the killing of Olitan. He stated that Ansus was angry because Olitan's fence, the house where Andes lives, encroaches on Ansus' land. He admitted that this matter was already settled before the barangay but Ansus and Olitan were arguing over the same issue once more.^[22]

When questioned by the RTC, Lacsa initially declared that although he believed Ansus has intent on killing Olitan, he just went home and did not warn Olitan nor Andes. However, Lacsa subsequently professed that from Ansus' home, he went to Andes' house and warned her of Ansus' plan to kill her father.^[23]

On re-direct examination, Lacsa stated that he did not tell Olitan of Ansus' plan to kill him to avoid another confrontation between them.^[24] On re-cross-examination, Lacsa admitted that while it was his moral obligation to inform Olitan of the threat on his life, he did not bother to tell Olitan of such fact because he lived in Sitio Look which was far from Olitan's house.^[25]

Erlindo Buatis (Erlindo) – claiming to be an eyewitness to the incident – narrated that on August 15, 2011 at 9:30 p.m., he was on his way to the barangay proper to buy snack for his daughter-in-law, Rosiel, who was about to give birth and to fetch the midwife. While traversing the road in front of Ansus' house, he saw Ansus – from a distance of four and a half meters – strike Olitan on the nape with a corrugated and pointed-tip crow bar. Scared when he saw Olitan fall down, Erlindo went back to his home at Sitio Look – which was one and a half kilometres away from where the incident took place.^[26] When he got home, Erlindo just lied down and did not tell anyone about the incident that he witnessed because his daughter-in-law gave birth already at that time and he was afraid that she might bleed. Erlindo revealed that he presented himself as a witness only on February 5, 2013 since his conscience bothered him and he wanted to give Olitan justice. He added that his fear of the ire of Ansus' relatives prevented him from coming forward earlier as a witness.^[27]

When confronted on cross-examination that it was Ricky Buatis (Ricky) – not him – who fetched the midwife, Erlindo denied that he testified fetching the midwife and insisted that he testified only in buying bread for the midwife's snack. Erlindo stated that neither Olitan nor Ansus saw him at that time. He admitted that he did not execute a sworn statement on the incident which he allegedly saw on the night of August 15, 2011.^[28]

Dr. Salve Bermundo-Sapinoso (Dr. Bermundo-Sapinoso), the Municipal Health Officer of Castilla, Sorsogon, conducted the post-mortem examination^[29] on the victim's body and the following are her findings:

HEAD	: deep incised wound, 1.0cm in diameter, left occipital area, penetrating the skull.
	: deep incised wound, 2.0cm in diameter, left parietal area, penetrating the skull.
	: incised wound, 3.0cm in diameter, left temporal area.
	: deep incised wound, 4.0cm in diameter, left frontal area, penetrating the skull.
	: deep incised wound, 4.0cm in diameter, right frontal area, penetrating the skull.
	: incised wound, 2.0cm in diameter, frontal area.
CHEST	: no findings.
ABDOMEN	: no findings.
BACK	: no findings.
EXTREMITIES	:(Upper) abrasions, left arm
	: (Lower) no findings.
CAUSE	OF HYPOVOLEMIC SHOCK SEVERE HEMORRHAGE
DEATH:	
	MULTIPLE HACKING WOUNDS ^[30]

Considering the nature of the wounds sustained by the victim, Dr. Bermundo-Sapinoso attested that: (1) the assailant could have been in front and at the back left side of the victim when the wounds were inflicted; (2) the victim will not die instantly; and (3) the victim died of severe blood loss. She acknowledged that she did not prepare the victim's death certificate^[31] but she signed the same as part of her functions as the Municipal Health Officer.^[32]

On cross-examination, Dr. Bermundo-Sapinoso consistently declared that a sharp-bladed instrument caused the: (a) four deep incised wounds that penetrated the victim's skull; and (b) two incised wounds. She likewise confirmed that contusion or hematoma and laceration – which are present in injuries caused by blunt objects – were absent in each injury. She added that a crow bar inflicts a lacerated wound and that two or more individuals could have caused the victim's injuries.^[33]

On the other hand, Ansus, Randy Bueno, Teresita Artizado, Melina Ansus, and Gil Pareja testified for the defense.

Ansus narrated that around midnight of August 15, 2011, he and his wife, Melina, were awakened by a commotion. Peeping through his window made of bamboo slots, it turned out that Barangay Captain Randy Bueno, barangay police, and army personnel were investigating a dead body.^[34] He saw Myrna crying and heard the authorities asking her, "*Mrs. Olitan, nakita mo ba kung sino ang pumatay sa asawa mo?*" to which she replied, "*Hindi po sir dahil tulog na tulog po ako.*"^[35] Ansus denied killing Olitan and emphasized that their boundary dispute has already been settled^[36] in the barangay. He likewise denied that he mentioned to Lacsa any plan of killing Olitan. He exposed that Lacsa visited him in jail and informed him that Myrna promised to pay him in exchange for his testimony against Ansus.^[37]

On cross-examination, appellant stated that he heard the conversation between Myrna and the investigator since they were just at the road in front of his house. He did not go out of his house because his wife was ill at that time. He said that Lacsa visited him at the Sorsogon Provincial Jail where the latter told him about the pay-off.^[38]

When questioned by the RTC, Ansus stated that the police started investigating him for Olitan's death only when he received a subpoena.^[39]

Melina Ansus (Melina), Ansus's wife, shared that at 9:45 p.m. of August 15, 2011, she and her husband were awakened by a commotion outside of their home. Ansus stood up and peeped through the window. Ansus told her that he saw the barangay captain who was with a crying Myrna.^[40] She revealed that she did not allow her husband to go out since she was bleeding at that time because of myoma.^[41]

Randy Bueno (Bueno) – who was the Barangay Chairman at the time of Olitan's killing – testified that on the night of August 15, 2011, barangay tanods Danilo Atisado and another Jimmy Timban reported to him that there was a dead person's body in front of the Barangay Health Center. Bueno proceeded to the place of the incident and he saw members of the Philippine Army. He identified the victim as Olitan. He saw Andes, the victim's daughter, and he asked her to fetch her mother, Myrna. According to Bueno, when he asked Myrna if she noticed or if she was notified that her husband was already dead, Myrna replied that she did not know because she was asleep when the incident happened. He reported the incident to

the police but he was not able to give them any information regarding a possible suspect.^[42]

On cross-examination, Bueno denied being Ansus' relative, not even a distant one.^[43] Bueno admitted that Olitan's body was found in front of Ansus' home but he did not question Ansus at that time. He shared that Mryna kept on crying when she arrived and that she did not divulge to him the identity of her husband's killer.^[44]

Teresita Artizado (Artizado) – a trained and practicing *hilot* for 10 years – narrated that on August 15, 2011 at 5:30 p.m., Ricky, Erlindo's son, fetched her to assist his wife in giving birth.^[45] From Ricky's house, they – Artizado, Erlindo, Erlindo's wife, Anching, Ricky, and Ricky's wife – transferred to Lacsa's house at 8:30 p.m.. The baby boy was born at 9:45 p.m. At 10:00 p.m., Ariel and Joven Andes arrived. She heard Joven Andes, Olitan's son-in-law, tell Lacsa, "Pay Magno, my father-in-law is already gone." She relayed that Erlindo did not react when he heard the news.^[46]

When cross-examined, Artizado denied that she was related to Ansus and that she is a cousin of Ansus' wife, Melina.^[47] Artizado revealed that from 8:30 p.m. until the time Ricky's wife gave birth at 9:35 p.m., Erlindo never left Lacsa's house and the persons there were conversing during that time.^[48]

Artizado was recalled to the witness stand and she brought a notebook containing a chronological listing of births which she administered from the year 2003 until the year 2014. She pointed to and identified entry no. 125^[49] relating to the birth of Rixel F. Buatis on August 15, 2011 at 9:45 p.m. She relayed that Ricky caused the registration of the child birth in the Civil Registry.^[50]

On rebuttal, Myrna stated that she and her daughter, Andes, were already at the crime scene before Bueno arrived. She denied approaching Bueno nor speaking with him at all. She reasoned that Bueno was angry at them because she called Bueno's attention for using the irrigation fund to entertain his visitors. She insisted that Milena and Bueno are cousins.^[51] She averred that at the time of the incident, Bueno was asleep and he was only summoned by the Army commander to the crime scene. She maintained that she did not tell any government agent present at that time who killed her husband because she was in a state of shock. She was not aware that Bueno caused the recording of the incident in the police blotter on August 16, 2011 at 10:55 p.m.^[52] She acknowledged receiving a copy of Bueno's affidavit but she did not file a reply thereto. She admitted that after her husband's cadaver was released from the morgue and brought to their house, she did not bother to record her husband's killing in the police blotter.^[53]

For his part, Lacsa denied on rebuttal that he: (a) was paid in exchange for his testimony against appellant; (b) met the appellant after he testified in court; and (c) visited the appellant at the Sorsogon Provincial Jail after Ansus' testimony. He admitted, however, going to the Sorsogon Provincial Jail on February 2016 to visit his son. He disclosed that since August 2015, his son has been detained for illegal possession of fire arm and that they could not post the required bail of a P100,000.00.^[54]

The defense presented Gil Pareja (Pareja) on sur-rebuttal to corroborate Ansus' statement that Lacsa was paid in exchange for his testimony against Ansus.