

## THIRD DIVISION

[ G.R. No. 214772, November 21, 2016 ]

**PEOPLE OF THE PHILIPPINES, PLAINTIFF-APPELLEE, VS. ELSON SANTUILLÉ @ "BORDADO" @ ELTON SANTUILLÉ @ "BORDADO," ACCUSED-APPELLANT.**

### D E C I S I O N

**PEREZ, J.:**

This is an appeal assailing the Decision<sup>[1]</sup> of the Court of Appeals in CA-G.R. CR-H.C. No. 05823 dated 27 February 2014 which dismissed the appeal of appellant Elson Santuillé and affirmed with modification the Decision<sup>[2]</sup> of the Regional Trial Court (RTC) of the City of Manila, Branch 42, in Criminal Case No. 10-274400, which found appellant *Elson Santuillé @ "Bordado" @ Elton Santuillé @ Bordado* guilty beyond reasonable doubt of the crime of Murder.

Appellant was charged before the RTC of the City of Manila, Branch 42, with murder as follows:

#### CRIMINAL CASE No. 10-274400

That on or about June 4, 2009, in the City of Manila, Philippines, the said accused, with intent to kill and with treachery, did then and there willfully, unlawfully and feloniously attack, assault, and use personal violence upon the person of one ROGELIO MACO Y ARNESTO, by then and there shooting him on the head with an unknown caliber firearm, thereby inflicting upon him gunshot wound which was the direct and immediate cause of his death thereafter.<sup>[3]</sup>

During arraignment, appellant pleaded not guilty to the crime charged. At the preliminary and pre-trial conference, the prosecution and the defense stipulated on the identity of appellant and the jurisdiction of the trial court.<sup>[4]</sup> Trial on the merits thereafter ensued.

The prosecution presented as witnesses Elvira T. Maco (Elvira), the wife of the victim, Myrna Q. Maco (Myra), sister-in-law of the victim, Benny A. Maco (Benny), brother of the victim, Dr. Alvin A. David (Dr. David), the medico-legal officer, and SPO4 Virgilio Martinez, the investigating police officer. The defense presented appellant himself, the Bureau of Corrections administrative officer Jose Ma. D. Dela Paz, *barangay tanod* Christopher D. De Jesus, and *barangay* chairman Saturnino L. Grutas (Grutas).

The prosecution established that on 4 June 2009, the victim, his wife Elvira, his sister-in law Myrna and brother Benny were all together in a condominium unit in Tondo, Manila, at work on a project. Grutas arrived thereat with three (3) *tanods*,

among whom is appellant, and two (2) soldiers. The victim went outside the unit despite the party's opposition and fears of the worst, owing to the former and Grutas's strained relations. Elvira followed. Elvira and the victim's two (2) other family members, from the open door, witnessed Grutas hand appellant a gun which the latter pointed to the victim who tried to run away. Appellant then shot the victim at the back of the head and fled from the scene. Grutas mercilessly spat on the victim's slumped body.<sup>[5]</sup>

Dr. David, the medico-legal officer, confirmed that the victim died from the lone gunshot wound at the back of the head.<sup>[6]</sup> His findings were embodied in the Certificate of Post-Mortem Examination,<sup>[7]</sup> Official Autopsy Report,<sup>[8]</sup> and Anatomical Diagram.<sup>[9]</sup>

Appellant maintained that he is Lando Santuille and that it was not he but his older brother, Elson, who killed the victim. He asserted that he had been away in Navotas at the time of the incident. He also stated that he had been imprisoned for murder in 2001 and was released on 15 March 2008; thus he could not have secured any National Bureau of Investigation (NBI) clearance<sup>[10]</sup> of Elson Santuille on 1 August 2007.<sup>[11]</sup> He presented a Certificate of Discharge from Prison<sup>[12]</sup> dated 15 March 2008 of one Lando Santuille bearing the mark "RELIEVED" as proof.

Jose Ma. Del Callar testified that appellant had been discharged from prison on 06 January 2007; proof of which is a Certificate of Discharge from Prison<sup>[13]</sup> of one Lando Santuille recorded in their office dated 6 January 2007 bearing the mark "RELEASED." The purported certificate of discharge dated 15 March 2008 presented by appellant does not appear in their office records.<sup>[14]</sup>

Christopher de Jesus (De Jesus), a *barangay tanod* like appellant, and also appointed by Grutas, testified to support appellant's assertion that the latter is Lando and not Elson Santuille. Witness De Jesus, at the time of his testimony, was a prison inmate in the same jail as appellant.<sup>[15]</sup>

Grutas, the *barangay* chairman, who had appointed both De Jesus and appellant as *tanods*, also testified in the same wise. Grutas had been initially implicated as principal by inducement of the instant murder case. The case against him in the prosecutor's office was however dismissed.<sup>[16]</sup>

After trial, the RTC on 25 October 2012 rendered the assailed decision disposing as follows:

WHEREFORE, accused Elson Saldana Santuille is hereby found GUILTY beyond reasonable doubt of the crime of murder. He is hereby sentenced to suffer the penalty of *reclusion perpetua*. He is likewise ordered to pay the heirs of the victim PhP 53,030.00 as civil indemnity, PhP 50,000.00 as moral damages, and PhP 30,000.00 as exemplary damages.<sup>[17]</sup>

The RTC gave credence to the eyewitness accounts of Elvira, Myrna and Benny, all surnamed Maco, of appellant's liability in the killing of the victim. The RTC discovered the lies perpetuated by appellant to escape punishment. The RTC likewise found de Jesus and Grutas as biased witnesses. Significantly, the RTC judge

conducted a visual comparison of the NBI clearance photo of one Elson Santuile with the facial features of appellant who claimed he is Lando Santuile; and definitively ruled that. Lando and Elson Santuile are one and the same person.

The Court of Appeals found no reason to disturb the findings of the RTC and upheld its ruling but with modification on the amount of damages awarded. The appellate court also found the eyewitness accounts credible, straightforward and reliable and upheld their positive identification of appellant as the perpetrator. The Court of Appeals thus disposed:

**WHEREFORE**, the appeal is **DENIED** and the Decision dated October 25, 2012 of the RTC, Branch 42, Manila in Criminal Case No. 10-274400 is **AFFIRMED with MODIFICATION** only insofar as the amount to be paid by accused-appellant Santuile to pay the heirs of Rogelio Maco is concerned, which are as follows: P53,030.00 as actual damages, P75,000 as civil indemnity, P50,000.00 as moral damages, and P30,000.00 as exemplary damages. All monetary awards for damages shall earn interest at the legal rate of 6% per annum from the date of finality of this Decision until fully paid.<sup>[18]</sup>

Now before the Court for final review, we affirm appellant's conviction.

Well-settled in our jurisprudence is the rule that findings of the trial court on the credibility of witnesses deserve great weight, as the trial judge is in the best position to assess the credibility of the witnesses, and has the unique opportunity to observe the witness first hand and note his demeanor, conduct and attitude under grueling examination.<sup>[19]</sup> Absent any showing that the trial court's findings of facts were tainted with arbitrariness or that it overlooked or misapplied some facts or circumstances of significance and value, or its calibration of credibility was flawed, the appellate court is bound by its assessment.

In the prosecution of the crime of murder as defined in Article 248 of the Revised Penal Code (RPC), the following elements must be established: (1) that a person was killed; (2) that the accused killed that person; (3) that the killing was attended by treachery; and (4) that the killing is not infanticide or parricide.<sup>[20]</sup>

Our review of the records convinces us that these elements were clearly met. We uphold appellant's conviction in Criminal Case No. 10-274400 for Murder. The prosecution eyewitnesses positively identified appellant as the person responsible for killing the victim Rogelio Maco. The Court finds no reason to disbelieve the credible and straightforward testimonies. We are not persuaded by the appellant's defenses of denial and alibi as these cannot prevail over the eyewitnesses' positive identification of him as the perpetrator of the crime. Denial, like alibi, if not substantiated by clear and convincing evidence is negative and self-serving evidence undeserving of weight in law.<sup>[21]</sup>

The prosecution ably established the presence of the element of treachery as a qualifying circumstance. The shooting of the unsuspecting victim was sudden and unexpected which effectively deprived him of the chance to defend himself or to repel the aggression, insuring the commission of the crime without risk to the aggressor and without any provocation on the part of the victim.