

## SECOND DIVISION

[ G.R. No. 196005, October 01, 2014 ]

**PEOPLE OF THE PHILIPPINES, APPELLEE, VS. CHARLIE FIELDAD,  
RYAN CORNISTA, AND EDGAR PIMENTEL, APPELLANTS.**

### D E C I S I O N

**CARPIO, ACTING C.J.:**

#### The Case

On appeal is the Decision<sup>[1]</sup> dated 22 October 2010 of the Court of Appeals in CA-G.R. CR-H.C. No. 03943, affirming with modification the Joint Decision<sup>[2]</sup> dated 3 November 2008 of the Regional Trial Court of Urdaneta City, Pangasinan (trial court) in Criminal Case Nos. U-10053, U-10054, and U-10055.

#### The Facts

Appellants Charlie Fieldad (Fieldad), Ryan Cornista (Cornista) and Edgar Pimentel (Pimentel) were charged in conspiracy with others for the murder of two jail guards and for carnapping.

The Information in Criminal Case No. U-10053 reads:

The undersigned accuses JULIUS CHAN, CHARLIE FIELDAD, MIGUEL BUCCAT, JESUS GELIDO, FLORANTE LEAL, RYAN CORNISTA, EDGAR PIMENTEL, FEDERICO DELIM, JEFFREY ADVIENTO, GIL ESPEJO, RUBEN PASCUA, and ELMO MEJIA of the crime of Murder with the use of unlicensed firearm committed as follows:

That on or about March 9, 1999 in the morning inside the BJMP Compound, Anonas, Urdaneta City, and within the jurisdiction of this Honorable Court, the above-named accused being detention prisoners armed with an unlicensed firearm, with intent to kill, treachery, evident premeditation and taking advantage of superior strength, conspiring with one another did then and there wil[l]fully, unlawfully and feloniously grab, hold and shoot with said unlicensed firearm JO2 Reynaldo Gamboa inflicting upon him multiple fatal gunshot wounds which caused his instant death, thereafter, accused escaped from their detention, to the damage and prejudice of the heirs of said JO2 Reynaldo Gamboa.

CONTRARY to Article 248, Revised Penal Code, as amended by R.A. 7956 and R.A. 8294.<sup>[3]</sup>

The Information in Criminal Case No. U-10054 reads:

The undersigned accuses JULIUS CHAN, CHARLIE FIELDAD, MIGUEL BUCCAT, JESUS GELIDO, FLORANTE LEAL, RYAN CORNISTA, EDGAR PIMENTEL, FEDERICO DELIM, JEFFREY ADVIENTO, GIL ESPEJO, RUBEN a.k.a. Joven, and ELMO MEJIA of the crime of Murder with the use of unlicensed firearm committed as follows:

That on or about March 9, 1999 in the morning inside the BJMP Compound, Anonas, Urdaneta City, and within the jurisdiction of this Honorable Court, the above-named accused being detention prisoners armed with an unlicensed firearm, with intent to kill, treachery, evident premeditation and taking advantage of superior strength, conspiring with one another did then and there willfully, unlawfully and feloniously shoot with said unlicensed firearm JO1 JUAN BACOLOR, Jr. inflicting upon him multiple fatal gunshot wounds which caused his instant death, thereafter, accused escaped from their detention, to the damage and prejudice of the heirs of said JO1 Juan Bacolor, Jr.

CONTRARY to Article 248, Revised Penal Code, as amended by R.A. 7956 and R.A. 8294.<sup>[4]</sup>

The Information in Criminal Case No. U-10055 reads:

The undersigned accuses JULIUS CHAN, CHARLIE FIELDAD, FLORANTE LEAL, RYAN CORNISTA, EDGAR PIMENTEL, and FEDERICO DELIM of the crime of carnapping committed as follows:

That on or about March 9, 1999 at Brgy. Anonas, Urdaneta City and within the jurisdiction of this Honorable Court, the above-named accused, having just escaped from the BJMP Compound, Anonas Urdaneta, in order to expedite their escape armed with unlicensed firearm with intent to gain, conspiring with one another, did then and there wilfully, unlawfully and feloniously take, steal, and carry away one (1) Tamaraw Jeep with Plate No. CDY-255 belonging to Benjamin J. Bau[z]on without the latter's knowledge and consent, which accused used as a get away vehicle.

CONTRARY to R.A. 6539, as amended.<sup>[5]</sup>

Upon arraignment, appellants pled not guilty.

### ***Version of the Prosecution***

The prosecution presented the testimonies of Jail Officer (JO) 2 Marlon Niturada, Dr.

Constante Parayno, Dr. Ramon Gonzales, Jr., Senior Police Officer (SPO) 4 Ernesto Ganceña, Dionisio Badua, Police Senior Inspector Philip Campti Pucay, PO3 Jimmy Garcia, PO3 Roberto Reyes, SPO1 Joselito Sagles, Pitz Dela Cruz, PO2 Danny Torres, Police Inspector Pamfilo Regis, Police Inspector Reyland Malenab, Theresa Bacolor, Julie Gamboa, Benjamin Bauzon, JO1 Victor A. Sidayen, Warden Romeo Jacaban, SPO4 Cirilo Lagmay and Col. Theresa Ann B. Cid.

The prosecution established that at around 7:00 a.m. on 9 March 1999, JO2 Reynaldo Gamboa (JO2 Gamboa), JO1 Juan Bacolor, Jr. (JO1 Bacolor) and JO2 Marlon Niturada (JO2 Niturada) were inside the nipa hut searching area near the main gate of the district jail. JO2 Gamboa summoned inmate Dionisio Badua (Badua). JO2 Gamboa gave Badua the keys to the prison cells and instructed the latter to open all the cells for the routine headcount.

Julius Chan (Chan) went to the nipa hut to ask JO2 Gamboa regarding the time of his hearing scheduled for that day. While JO2 Gamboa and Chan were conversing, the telephone in the administration building rang. JO2 Niturada ran from the nipa hut to the administration building to answer the phone.

After the phone call, JO2 Niturada proceeded towards the basketball court. On his way there, he turned his head towards the nipa hut and saw Chan place an arm on the shoulder of JO2 Gamboa, who was seated, and shoot the latter with a short firearm. JO2 Gamboa fell.

Meanwhile, Fieldad and Cornista grappled with JO1 Bacolor for the possession of an armalite. Cornista struck JO1 Bacolor at the back of the head, which caused the latter to fall down. Fieldad, armed with JO2 Gamboa's gun, shot JO1 Bacolor twice. Florante Leal (Leal) took the armalite from JO1 Bacolor and shot at JO2 Niturada. JO2 Niturada returned fire with his .38 caliber handgun.

Cornista opened the main gate with keys taken from JO2 Gamboa. Twelve inmates went out the main gate. After seeing the inmates run out, Badua padlocked the main gate and returned to his cell.

Once outside the jail compound, Fieldad, Leal, Cornista, and Pimentel boarded a parked Tamaraw jeep with plate number CDY-255 belonging to Benjamin Bauzon, without the latter's knowledge and consent. They picked up Federico Delim (Delim) and Chan along the way. Before they reached Asingan, Pangasinan, the group alighted from the Tamaraw jeep and transferred to a Mazda pick-up truck. When they reached San Miguel, Tarlac, the Mazda pick-up truck turned turtle. The group abandoned the vehicle and ran towards a cane field. Police authorities surrounded the cane field and arrested appellants and their companions.

Dr. Constante Parayno conducted an autopsy on the body of JO1 Bacolor, and concluded that the death was caused by shock and hemorrhage due to gunshot wound of the right lung. Dr. Parayno also testified that based on the injuries sustained by JO1 Bacolor, it was possible that the shooting was preceded by a fight between the shooter and the victim.

Dr. Ramon Gonzales, Jr. conducted an autopsy on the body of JO2 Gamboa, and concluded that the death was caused by cardiac tamponade due to the gunshot

wound that damaged the heart.

### ***Versions of Appellants***

Appellants denied any criminal liability.

#### *Fieldad's Testimony*

At around 6:00 in the morning on 9 March 1999, JO2 Gamboa brought Fieldad out of his cell and ordered him to clean the administrative offices. After cleaning the offices, he was told to fix a vehicle parked inside the jail compound. He needed to prop the vehicle on a jack, but he could not find the jack handle. He went back to JO2 Gamboa, who was in the nipa hut with JO2 Niturada and JO1 Bacolor. JO2 Gamboa told him to look for Badua. When he came back with Badua, JO2 Gamboa handed Badua the key of the jail compound. Badua went out of the compound, while Fieldad continued to look for the jack handle.

While JO2 Niturada talked to him regarding the vehicle, Fieldad noticed Elmo Mejia (Mejia) and the other inmates playing basketball. The ball rolled towards the nipa hut and Mejia went to retrieve it.

Then Fieldad heard gunshots from the direction of the nipa hut. JO2 Niturada got his gun and fired towards the nipa hut. Fieldad got nervous and took cover in the outpost. He peeped through the windows and saw Mejia pointing a firearm toward JO2 Niturada. He hid again when he heard the exchange of fire between Mejia and JO2 Niturada. He went out of the outpost when he heard people calling for help to push the parked vehicle. The vehicle did not start, and the people pushing it dispersed. Intending to return to his cell, he followed JO2 Niturada, who was proceeding towards the main building. However, JO2 Niturada pointed a gun towards him, so Fieldad ran away and took cover.

While still inside the jail compound, Leal told Fieldad that he needed the latter to go with him. Fieldad, along with other inmates, left the jail compound. He followed Leal to a Tamaraw jeep parked outside. Leal pointed a long firearm toward Fieldad, and ordered the latter to drive the vehicle. Frightened, Fieldad drove the vehicle. On their way, they picked up Delim and Chan.

#### *Pimentel's Testimony*

At around 7:30 in the morning of 9 March 1999, Pimentel was allowed to go out of his cell. He proceeded to the basketball court for the headcount. He heard two or three gunshots, but did not immediately mind it because he was used to the guards firing their guns in the morning. When he saw Leal with an armalite, running after and shooting at JO2 Niturada, Pimentel ran to a house outside the jail compound. He was afraid to go back to his cell because of the exchange of fire. Inmates were running in different directions.

Leal arrived at the place where Pimentel was hiding, and motioned to the latter by pointing his armalite downward several times. Pimentel approached Leal, who ordered him to remove the stone blocking the tire of the jeep parked near the house. Pimentel obliged. Pimentel boarded the jeep because Leal told him at gun point to do so. Fieldad drove the jeep. He did not notice who their other companions

were. Along the way, they passed a parked vehicle. Leal ordered everyone to alight from the jeep, and to board the other vehicle. The vehicle turned turtle in Tarlac.

### *Cornista's Testimony*

Cornista was 17 years old on 9 March 1999. Between 6:00 and 6:45 that morning, he was cleaning the jail compound. He was shocked and confused when he heard three rapid gunfires followed by consecutive gunfires coming from the direction of the nipa hut. JO2 Gamboa, JO1 Bacolor, Leal and Mejia were at the nipa hut. Leal was chasing JO2 Niturada, both of them armed. Then he saw the jail guards lying down. Out of fear, he ran towards the already opened main gate.

Cornista hid in a Tamaraw jeep parked behind the jail compound. Then he saw Leal, Fieldad and Pimentel board the jeep. He tried to alight but Leal threatened to shoot him if he did. Fieldad drove the Tamaraw jeep. Delim flagged the jeep down and boarded. Chan also joined them along the way. Upon seeing a parked Mazda pick up, Leal ordered Fieldad to stop the jeep and the inmates to transfer to the other vehicle. Fieldad also drove the Mazda pick up until it turned turtle in Tarlac.

### **The Ruling of the Trial Court**

The dispositive portion of the trial court's Joint Decision reads:

WHEREFORE, in consideration of the foregoing, judgment is hereby rendered as follows:

1. In Criminal Case No. U-10053, accused Julius Chan, Charlie Fieldad and Ryan Cornista are declared GUILTY beyond reasonable doubt of the crime of MURDER and each is sentenced to suffer the penalty of RECLUSION PERPETUA. They are also ordered to pay the heirs of the deceased the amounts of Php75,000.00 as civil indemnity, Php50,000.00 as moral damages, Php25,000.00 as exemplary damages, Php47,845.00 as actual damages and Php153,028.00 for loss of earning capacity.

Accused Jesus Gelido, Edgar Pimentel, Federico Delim, Jeffrey Adviento, Miguel Buccat and Ruben Pascua are ACQUITTED for failure of the prosecution to prove their guilt.

2. In Criminal Case No. U-10054, accused Julius Chan, Charlie Fieldad and Ryan Cornista are declared GUILTY beyond reasonable doubt of the crime of MURDER and each is sentenced to suffer the penalty of RECLUSION PERPETUA. They are also ordered to pay the heirs of the deceased the amounts of Php75,000.00 as civil indemnity, Php50,000.00 as moral damages, Php25,000.00 as exemplary damages, Php87,349.45 for the actual damages, and Php178,500.00 for the loss of earning capacity.

Accused Jesus Gelido, Edgar Pimentel, Federico Delim, Jeffrey Adviento, Miguel Buccat and Ruben Pascua are ACQUITTED for