

## SECOND DIVISION

[ G.R. No. 172357, March 19, 2010 ]

**PEOPLE OF THE PHILIPPINES, APPELLEE, VS. MARCELO BUSTAMANTE Y ZAPANTA, NEIL BALUYOT Y TABISORA, RICHARD DELOS TRINO Y SARCILLA, HERMINIO JOSE Y MONSON, EDWIN SORIANO Y DELA CRUZ AND ELMER SALVADOR Y JAVALE, APPELLANTS.**

### D E C I S I O N

#### **DEL CASTILLO, J.:**

The police authorities are the ones tasked to promote and maintain peace and order in our country. Thus, it becomes doubly deplorable when they themselves commit the criminal act. In this case, appellants insist on their innocence; they deny that they killed the victim Romeleo Quintos on June 1, 1997 inside the detention cell of the Ninoy Aquino International Airport (NAIA). But we are not persuaded. We took a second hard look at the evidence presented and we hold that both the trial court and the appellate court correctly found that the prosecution proved beyond reasonable doubt that the appellants are guilty of murder.

This is an appeal from the July 19, 2005 Decision<sup>[1]</sup> of the Court of Appeals (CA) in CA-G.R. CR-H.C. No. 00665 which affirmed *in toto* the March 17, 2000 Decision<sup>[2]</sup> of the Regional Trial Court (RTC) of Pasay City, Branch 109, finding the appellants guilty beyond reasonable doubt of the crime of murder. Also assailed is the March 6, 2006 Resolution<sup>[3]</sup> of the CA denying the separate motions for reconsideration filed by the appellants.

#### ***Factual Antecedents***

On May 22, 1998, two Informations were filed against the herein appellants, together with Carlito Lingat and Mutalib Abdulajid, charging them with the crimes of Murder and Arbitrary Detention. The Informations read:

#### **Crim. Case No. 98-0547 (for Murder):**

The undersigned Ombudsman Investigator, Office of the Deputy Ombudsman for the Military, hereby accuses NEIL BALUYOT, RICHARD DELOS TRINO, HERMINIO JOSE, EDWIN SORIANO, MARCELO BUSTAMANTE, CARLITO LINGAT, MUTALIB ABDULAJID, AND ELMER SALVADOR of the crime of MURDER defined and penalized under Article 248 of the Revised Penal Code, committed as follows:

That in the early morning of June 01, 1997, between 2:00 to 3:00 o'clock [in the morning], or sometime prior or subsequent thereto, in Pasay City,

Philippines, and within the jurisdiction of this Honorable Court, the accused NEIL BALUYOT, RICHARD DELOS TRINO, HERMINIO JOSE, EDWIN SORIANO, MARCELO BUSTAMANTE, and CARLITO LINGAT, all public officers, being then members of the Philippine National Police (PNP) Force, assigned [at] the Ninoy Aquino International Airport (NAIA), and accused ELMER SALVADOR and MUTALIB ABDULAJID, security guards, also assigned at the NAIA, conspiring and confederating with one another, with intent to kill and taking advantage of their superior strength, did then and there willfully, unlawfully and feloniously tie a plastic nylon cord around the neck of one Romeleo A. Quintos, and hang him at the end portion of the detention cell, which caused the instantaneous death of said Romeleo A. Quintos to the damage and prejudice of the heirs of said victim.

CONTRARY TO LAW.<sup>[4]</sup>

**Criminal Case No. 98-0548 (for Arbitrary Detention)**

The undersigned Ombudsman Investigator, Office of the Ombudsman for the Military, hereby accuses EDWIN D. SORIANO, MARCELO Z. BUSTAMANTE, HERMINIO M. JOSE, CARLITO D. LINGAT and NEIL T. BALUYOT of the crime of ARBITRARY DETENTION, defined and penalized under Article 124 of the Revised Penal Code, committed as follows:

That on or about June 01, 1997, in Pasay City, Metro Manila, Philippines, and within the jurisdiction of this Honorable Court, the abovenamed accused, all public officers, being then members of the Philippine National Police Force assigned at the Ninoy Aquino International Airport, conspiring and confederating with each other, committing the offense in relation to their office, and without any legal ground, did then and there willfully, unlawfully, and feloniously detain and restrain Romeleo A. Quintos of his personal liberty, without his consent and against his will since midnight of May 31, 1997 until around 3:15 a.m. of June 01, 1997 when said Romeleo A. Quintos was found dead inside the detention cell.

CONTRARY TO LAW.<sup>[5]</sup>

Neil Baluyot (Baluyot), Richard Delos Trino (Delos Trino), Herminio Jose (Jose), Edwin Soriano (Soriano), Marcelo Bustamante (Bustamante), Carlito Lingat (Lingat) and Elmer Salvador (Salvador), were arraigned on July 14, 1998 where they all entered a plea of not guilty.<sup>[6]</sup> Mutalib Abdulajid (Abdulajid) remains at large.

The records show that at around midnight of May 31, 1997, Romeleo Quintos (Romeleo) and his friend, Ancirell Sales (Ancirell), went to the NAIA to fetch Rolando Quintos (Rolando), brother of Romeleo, who was arriving from the United States. At the arrival extension area of the NAIA, Ancirell alighted from the car driven by Romeleo to check whether Rolando had already arrived. Upon his return, he was surprised to see Romeleo arguing with a man in uniform later identified as Soriano who arrested Romeleo for expired license.

Romeleo vehemently denied the charge causing a heated altercation. Outraged, Romeleo challenged Soriano to a gun duel. Thinking that Romeleo was a military man, Soriano called for reinforcement. In a few minutes, Lingat and Bustamante arrived followed by Jose. They asked Romeleo to hand over his license but the request went unheeded. Thus, Jose seized the ignition key of the vehicle and ordered Romeleo to alight from the vehicle but the latter refused. Thereupon, Soriano, Lingat, Bustamante and Jose pulled Romeleo out of the vehicle and brought him to the Intelligence and Investigation Division of the NAIA (IID-NAIA) supposedly for questioning. At the IID-NAIA, it was decided that Romeleo be brought to the Pasay General Hospital for examination where he was found positive for alcoholic breath. Thereafter, Romeleo was brought back to the IID-NAIA for further investigation.

Romeleo was shoved into a cell already occupied by prosecution witness Noel Gabornes (Gabornes), who had earlier been arrested for being an unauthorized porter. Professing his innocence, Romeleo cursed and shouted at Baluyot, Delos Trino, Jose, Soriano, Bustamante, Lingat, Salvador and Abdulajid to release him as he was only at the airport to fetch his brother. Jose ordered him to stop but Romeleo persisted. Infuriated, Jose entered the cell and kicked the victim hard on the stomach. Salvador also entered the cell followed by Baluyot while Delos Trino stayed near the door. Romeleo was still reeling from the blow delivered by Jose when Baluyot boxed him in the abdomen. Salvador also punched him at the solar plexus causing the victim to writhe in pain at a corner of the cubicle. To avoid being hit, Gabornes went outside the cell.

Gasping for breath, Romeleo sought succor from Gabornes but the latter declined, afraid to get involved. After a while, Gabornes asked Jose if he could go home but the latter did not answer. Instead, Jose directed Salvador to transfer Gabornes to an adjacent cell. Thereafter, Gabornes overheard Jose saying "*tapusin na natin ito*". Intrigued, Gabornes peered through the iron grill to see what was happening. From his vantage point, he saw Baluyot handing a piece of grayish plastic cord to Salvador. Thereafter, he heard Romeleo coughing and gasping for breath as if he was being strangled. Peering closely, the witness saw Salvador and Abdulajid twisting the cord with a piece of wood, "*garrote*" style. Romeleo's hand could be seen trying to reach for the piece of wood in a backward angle in a vain effort to stop the twisting. After a couple of minutes, Gabornes saw a body being carried out of the cell. Delos Trino then approached Gabornes and said: "*Kung anong nakita mo, nakita mo lang. Kung anong narinig mo, narinig mo lang. Sana huwag mo ng ikalat ito.*" Fearing for his life, Gabornes promised not to tell anybody about the incident. Thereafter, he was released.

At about that time, the victim's brother, Rolando, had already arrived from the United States. Informed by Ancirell of the detention of his brother Romeleo, Rolando set out for home to deposit his luggage but immediately went back to the airport with Ancirell and a cousin, Rabadon Gavino (Gavino), to check on Romeleo. At around 3:00 a.m. of the same day, they arrived at the IID-NAIA office and were met in the hallway by Bustamante who told them that Romeleo was in the detention cell. Asking for directions, the group was ushered towards a dark cell. When the lights were turned on, they were horrified to see the lifeless body of Romeleo hanging with a cord around his neck with the other end tied around the iron grills of the cell window.

Rolando, Ancirell and Gavino, along with Soriano and Lingat, immediately brought the victim to the San Juan De Dios Hospital aboard a police car. Rolando and his companions carried the victim to the emergency room. Soriano and Lingat remained in the vehicle but returned to the NAIA after a while. Romeleo was declared dead on arrival by the attending physician. Gabornes later learned of the victim's identity through the newspapers.

Baluyot, Delos Trino, Jose, Soriano, Bustamante, and Lingat, were all members of the Philippine National Police (PNP) assigned with the IID-NAIA, while Salvador and Abdulajid were security guards of the Lanting Security Agency assigned at NAIA.

### ***Ruling of the Regional Trial Court***

After due proceedings, the trial court promulgated its Decision dated March 17, 2000, the decretal portion reads:

In view of all the foregoing, the Court finds the accused Neil Baluyot y Tabisora, Richard delos Trino y Sarcilla, Herminio Jose y Mozon, Edwin Soriano y dela Cruz, Marcelo Bustamante y Zapanta, Carlito Lingat y Salvador, Elmer Salvador y Javale, and Motalib Abdulajid guilty beyond reasonable doubt of MURDER in Criminal Case No. 98-0457. It appearing on evidence that the accused voluntarily surrendered at the Criminal Investigation and Detection Group as evidenced by Exh. 21, the Court credits them with the mitigating circumstances of voluntary surrender and hereby sentences each of them to RECLUSION PERPETUA and for each accused to pay the heirs of the victim indemnity in the amount of P50,000.00.

In Criminal Case No. 98-0548 for Arbitrary Detention, it appearing from the evidence that the victim Romeleo Quintos was detained at the IID for three (3) hours and fifteen (15) minutes, the same is punished or penalized under Art. 124, paragraph 1 of the Revised Penal Code which is herein below reproduced:

ART. 124. Arbitrary Detention. - Any public officer or employee who, without legal grounds, detains a person, shall suffer:

1. The penalty of arresto mayor in its maximum period to prision correctional in its minimum period if the detention has not exceeded three days;

x x x x

hence the case is not within the jurisdiction of this Court.

The OIC of this Court is hereby ordered to transmit the records of Criminal Case No. 98-0548 for Arbitrary detention to the Metropolitan Trial Court.

The Petition for Bail filed by all the accused is hereby considered moot and academic.

Let an Alias Warrant of arrest be issued in so far as accused Mutalib Abdulajid is concerned who remains at large.

SO ORDERED.<sup>[7]</sup>

### ***Ruling of the Court of Appeals***

The CA affirmed the Decision of the RTC in a Decision dated July 19, 2005, thus:

IN VIEW OF ALL THE FOREGOING, the appealed decision is hereby **AFFIRMED in toto.** Costs de officio.

SO ORDERED.<sup>[8]</sup>

Aggrieved, appellants filed their respective Motions for Reconsideration. In the meantime, Lingat died. On March 6, 2006, the CA denied the motions for reconsideration.<sup>[9]</sup>

All the appellants, except Bustamante, filed notices of appeal. Bustamante filed an Urgent Motion for Leave to Admit Second Motion for Reconsideration<sup>[10]</sup> but it was denied by the CA in its Resolution<sup>[11]</sup> dated April 28, 2006. Thereafter, Bustamante filed a Petition for Review on *Certiorari* but the same was treated as an appeal in the Resolution<sup>[12]</sup> dated January 15, 2007.

### **Issues**

The issues raised are: (1) whether the uncorroborated testimony of the lone eyewitness, Gabornes, is sufficient to produce a judgment of conviction; (2) whether conspiracy was proven beyond reasonable doubt; and (3) whether appellants should be held liable only for homicide, and not for murder.

### **Our Ruling**

Upon careful consideration of the evidence presented by both the prosecution and the defense, we are unable to consider the appellants' appeal with favor.

***The uncorroborated testimony of a single witness, if credible, is enough to warrant conviction.***

We find that the CA did not err in affirming the Decision of the trial court convicting the appellants of murder based on the testimony of Gabornes, the lone eyewitness. It is settled jurisprudence that the testimony of a single witness, if credible, is enough to warrant conviction. Both the trial court and the CA found Gabornes to be credible and whose testimony is entitled to full faith. We find no cogent reason to depart from said findings.

As borne out by the records, Gabornes positively identified and categorically pointed