

SECOND DIVISION

[G.R. No. 139823, March 12, 2004]

PEOPLE OF THE PHILIPPINES, APPELLEE, VS. ROWEN SAMPAGA Y LIMENOQUEN ALIAS 'WENG,' RICO TRINIDAD Y RAFAEL ALIAS "PARDS," AND LINO CORONA Y DELA CRUZ ALIAS "JHUN," ACCUSED. RICO TRINIDAD Y RAFAEL ALIAS "PARDS", APPELLANT.

D E C I S I O N

CALLEJO, SR., J.:

This is an appeal from the Decision^[1] of the Regional Trial Court, Malolos, Bulacan, Branch 21, convicting Rico Trinidad, Rowen Sampaga and Lino Corona, of murder and sentencing them to suffer *reclusion perpetua*.

The Indictment

Rico Trinidad, Rowen Sampaga and Lino Corona were charged with murder in an Information, the accusatory portion of which reads as follows:

That on or about the 25th day of December 1997, in the Municipality of Baliuag, province of Bulacan, Philippines, and within the jurisdiction of this Honorable Court, the above-named accused armed with pieces of wood and lead pipe and with intent to kill one Jaime Bautista y Castro, conspiring, confederating together and mutually helping one another, did then and there willfully, unlawfully and feloniously with evident premeditation and treachery and with abuse of superior strength, attack, assault and hit with the said pieces of wood and lead pipe the said Jaime Bautista y Castro hitting the latter on the head and back of his body thereby inflicting mortal wounds causing bodily injuries which directly caused the death of the said Jaime Bautista y Castro.

Contrary to law."^[2]

All the accused were arraigned, assisted by counsel, and entered their respective pleas of not guilty.

The Case for the People

As culled by the Office of the Solicitor General, the case stemmed from the following factual backdrop —

On December 25, 1997, around 1:00 o'clock in the morning, Lucila Castillo was in her store, a beerhouse called "Diday's Place," located at the Viceo compound, also called Acacia, along the DRT Highway, Pagala, Baliuag, Bulacan, when she saw Rowen Sampaga, Lino Corona and appellant Rico Trinidad engaging in a fistfight with Eric, a helper in Nora's

beerhouse, which was adjacent to Diday's Place. Then she saw Eric run towards the SM Beerhouse on the other side of the highway going to the Poblacion. The three chased Eric. Inside [the] Viceo Compound were four beerhouses owned by Marites, Jimmy, Lucila Castillo, Nora, and an eatery called "Vangie's". Vangie's eatery cum store was facing Diday's Place. (TSN, June 17, 1998, pp. 3-6).

Lucila went to the victim, Jaime Bautista (Jaime), who was the PRO of the beerhouse operators[] association, to seek his assistance. Jaime was the owner of "Sawali Beerhouse," which was a block away from Diday's Place (Idem, pp. 6-7).

When Lucila and Jaime returned to her place, appellant, Sampaga and Corona had come back and were hitting the chairs and doors of the beerhouses. Lucila took over behind an acacia tree outside Vangie's eatery but she did not notice where Jaime had gone. After a while, Jaime appeared from nowhere saying, "*Awat, awat.*" At that moment, she saw Corona, who was about one and one-half arms-length away from Jaime, hit Jaime at his back with a lead pipe, followed by Sampaga and Trinidad, who were both armed with pieces of 2 x 2 wood, also striking Jaime (TSN, July 10, 1998, pp. 10-15).

Appellant, Sampaga and Corona hit Jaime many times. When Jaime fell to the ground, Lucila saw that his head was smashed ("*sumabog*"). The three immediately fled. Lucila was about two arms-length from Jaime when she witnessed the incident. The place was illuminated with three bulbs coming from the three beerhouses adjacent to Lucila's beerhouse. Forthwith, she went to Jaime's beerhouse and sought the assistance of his helpers. They brought him to the hospital but he was pronounced dead on arrival (TSN, June 17, 1998, pp. 8-13). Lucila subsequently executed a *Sinumpaang Salaysay* (Exhibit "A"; TSN, June 17, 1998, p. 14).

Between 1:00 and 2:00 o'clock in the morning of December 25, 1997, PO2 Felimon Tomas, Jr., a member of PNP Baliuag, Bulacan, received a report about the incident. He and JO1 Aguilar proceeded to the place and conducted an investigation. They recovered two pieces of 2 x 2 wood and one lead pipe (TSN, October 21, 1998, pp. 3-5; TSN, November 6, 1998, pp. 2-4).

SPO2 Renato Santos, Investigator of the Baliuag PNP, conducted the investigation on Lucila. Earlier, on December 25, 1997, he arrested [the] appellant near the vicinity of the incident, while he apprehended Sampaga and Corona in Candaba, Pampanga late in the afternoon of the same day. Lucila identified the three accused at the police station as the assailants of Jaime (TSN, November 6, 1998, pp. 2-5).

Dr. Benito Caballero, Municipal Health Officer of Bocaue, Bulacan, conducted an autopsy on the cadaver of Jaime Bautista. He issued a Death Certificate stating the cause of death as massive external and intracranial hemorrhage due to the lacerated wounds in the head and fractures on the occipital bone due to strong traumatic force (Exhibit "K"). He testified that the wound at the back of the head and lacerations

on the forehead could have been caused by a hard object such as a lead pipe or a piece of wood (TSN, October 9, 1998, pp. 3-8).

Josephine Bautista, daughter of Jaime, incurred a total of P75,000.00 for his funeral expenses (Exhibit "C"). She testified that her mother had already died. She has two brothers, 15 and 14 years old, respectively. Her father owned a beerhouse and an auto repair shop with a combined gross earning of P20,000.00 a month (TSN, October 14, 1998, pp. 4-5).

[3]

The Case for the Accused

The accused adduced evidence that the victim was killed by a certain Bobbit Bermudez. Their version of the story is summarized by counsel of appellant Rico Trinidad which is as follows:

The collective testimonies of the defense witnesses, on the other hand, pointed to a certain Bobbit Bermudez as the one who killed Jaime. In a nutshell, their version is to the effect that Rowen and Lino are brothers-in-law while Rico is their father-in-law, the latter being the live-in partner of Lino's mother. At about midnight that evening, accused Lino had a fistfight with Eric. Eric hit Lino in the head and the former scampered away. Rowen chased Eric, but, the latter managed to elude the pursuit. When Rowen and Lino were on their way home, Jaime who was armed with a lead pipe, appeared and blocked Rowen's way. Accused Rico, on the other hand, was nowhere in the vicinity while these things were going on. Suddenly, a certain Bobbit appeared from behind Jaime and repeatedly hit the latter at the back of his head. When Jaime fell unconscious on the ground, Rowen and Lino immediately left the place for fear of being implicated. Bobbit is nowhere to be found. (TSN, November 18, 1998, pp. 1-23; TSN, December 7, 1998, pp. 1-23; TSN, December 9, 1999, pp. 1-10; TSN, December 11, 1998, pp. 1-15; TSN, January 13, 1999, pp. 1-14; TSN, January 20, 1999, pp. 1-21; TSN, February 1, 1999, pp. 1-5)

Elnora Gamba, beerhouse owner, testified that it was impossible for prosecution witness Diday Castillo to have witnessed the incident because the latter was not at the scene of the crime and arrived only after the event. Diday was paid by the relatives of Jaime to testify against the accused. (TSN, March 15, 1999, pp. 1-8; TSN, April 7, 1999, pp. 1-15)

Joel Angelo testified that Lucila Castillo never entered Vangie's store. He could not have opened the door for her considering that he was sleeping at that time. He never noticed the presence of Diday inside the store. At past midnight, he saw the three accused banging the door and walls of the beerhouse but they went home when they had enough of it. (TSN, April 28, 1999, pp. 1-14).^[4]

The prosecution presented Lucila Castillo on rebuttal. The Office of the Solicitor General summarized her testimony, thus:

... She testified that at the time of the incident Bermudez had already left the place (TSN, April 21, 1999, pp. 3-4). Lucila belied the testimony of Evangeline Angelo that she was not able to enter her store because it was already closed. Lucila averred that when she knocked, it was Joel Angelo who opened the door and that when she entered the store, Jaime was not dead yet. She went out of the store to prevent the three accused

from destroying the beerhouses especially since a new videoke was just delivered to Jimmy's beerhouse (*Idem*, pp. 4-6). Lucila disputed the testimony of Elnora Gamba that she overheard a relative of Jaime telling Lucila to testify even if she did not witness the incident. Nobody had told her to testify. In fact, the statement she executed with the police regarding the injuries sustained by Jaime tallied with the autopsy report of Dr. Caballero. Lucila denied the claim of appellant that she got mad at him because he closed the artesian well where she drew water. She explained that she was not affected by the closure because she does not live in that place (*Ibid.*, pp. 6-7).^[5]

On May 19, 1999, the trial court rendered judgment convicting all the accused of the crime charged. The decretal portion of the decision reads:

WHEREFORE, all premises considered, this Court hereby resolves that the prosecution has successfully undertaken its burden to establish the guilt of all the three accused under Section 2, Rule 177 of the 1987 Constitution. Accordingly, Rowen Sampaga *alias* "Weng", Lino Corona *alias* "Jun" and Rico Trinidad *alias* "Pards" are all and equally found GUILTY beyond reasonable doubt, of the crime of Murder defined and penalized under Article 248 of the Revised Penal Code, as amended by Republic Act No. 7659. Pursuant thereto and in the absence of circumstances that could aggravate the penalty, all three accused are hereby sentenced to suffer the penalty of *Reclusion Perpetua* together with its accessory penalties.

On their civil liability, the said accused are ordered jointly and severally to indemnify the Heirs of Jaime Bautista, the sum of P50,000.00 for his death, to pay the sum of P100,000.00 in moral damages; the amount of P500,000.00 in loss of earning capacity, and further sum of P75,000.00 in actual/compensatory damages.

With costs against the accused.

SO ORDERED.^[6]

All the accused appealed the decision. However, the appellants Rowen Sampaga and Lino Corona prayed to the Court that they be allowed to withdraw their appeal. The Court granted the motion in its Resolution dated February 20, 2002 and the appeal was dismissed with respect to Rowen Sampaga and Lino Corona. Thus, the decision of the Court pertains only to the appeal of appellant Rico Trinidad.

In his Brief before the Court, appellant Rico Trinidad avers that:

I

THE TRIAL COURT GRAVELY ERRED IN GIVING CREDENCE TO THE UNCORROBORATED AND INCONSISTENT TESTIMONY OF PROSECUTION WITNESS LUCILA CASTILLO.

II

THE TRIAL COURT GRAVELY ERRED IN CONVICTING ACCUSED-APPELLANT DESPITE FAILURE OF THE PROSECUTION TO PROVE HIS