

## FIRST DIVISION

[ G.R. No. 119477, February 27, 2003 ]

**EDDIE TALAY, BAYANI TALAY AND EDGARDO MAIGUE, JR.,  
PETITIONERS, VS. COURT OF APPEALS AND PEOPLE OF THE  
PHILIPPINES, RESPONDENTS.**

### DECISION

**CARPIO, J.:**

#### The Case

An Information for homicide was filed on March 1, 1985 against Eddie Talay, Bayani Talay, Edgardo "Eddie" Maigue, Jr., a certain Toti Amiscosa and one John Doe before the Regional Trial Court of Tagaytay City, Branch XVIII. The Information reads:

"That on or about December 26, 1981, in the Municipality of Silang, Province of Cavite, Philippines and within the jurisdiction of this Honorable Court, the above-named accused together with "Alias" TOTI AMISCOSA<sup>[1]</sup> and one John Doe, the latter two accused's real identities are still unknown and who are still at-large, conspiring, confederating and mutually helping and assisting one another, with intent to kill being then armed with a firearm, did, then and there, willfully, unlawfully and feloniously, assault, attack and shoot with the said firearm the person of one RONALDO MONTOYA y RAMOS, thereby hitting the latter in the body which caused his subsequent death, to the damage and prejudice of the heirs of said Ronaldo R. Montoya.

CONTRARY TO LAW."<sup>[2]</sup>

On July 30, 1985, Eddie Talay, Bayani Talay and Edgardo "Eddie" Maigue, Jr., assisted by their counsel de parte, pleaded not guilty to the charge.<sup>[3]</sup> Cesar "Toti" Amiscosa and John Doe remained at large.

After trial, Judge Juliето P. Tabiolo rendered a decision on February 7, 1990, finding Eddie Talay, Bayani Talay and Edgardo "Eddie" Maigue, Jr. guilty as charged. The dispositive portion of the decision reads:

"WHEREFORE, based on the evidence as adduced, judgment is hereby rendered finding accused

EDGARDO MAIGUE,  
EDDIE TALAY  
and BAYANI TALAY

GUILTY beyond reasonable doubt, of the crime of HOMICIDE, as provided for and penalized under Art. 249 of the Revised Penal Code and as

charged against them in the Information and taking into account the benign provisions of the Indeterminate Sentence Law, of which accused are deserving, the Court hereby sentences them to suffer an indeterminate penalty of imprisonment ranging from:

EIGHT (8) years, SIX (6) months & ONE (1) day of prison mayor, as MINIMUM

- to -

SIXTEEN (16) years, SIX (6) months & ONE (1) day of reclusion temporal, as MAXIMUM.

Further, they are hereby ordered to pay, jointly and severally, the heirs of the late RONALDO MONTOYA, the following:

- (1) P50,000.00 - for moral damages to compensate the heirs for the excruciating moral pain and anguish that they suffered as a result of the death of their son;
- (2) P50,000.00 - for exemplary damages;
- (3) P40,000.00 - as reimbursement for expenses incurred as a result of the death of Ronaldo Montoya;

and to pay the costs of this proceedings (sic)."<sup>[4]</sup>

Eddie Talay, Bayani Talay and Edgardo "Eddie" Mague, Jr. appealed to the Court of Appeals<sup>[5]</sup> which affirmed with modification the trial court's decision. In its decision dated May 31, 1994, the Court of Appeals ruled:

"WHEREFORE, finding no reversible error in the appealed decision, the same is hereby AFFIRMED with the modification that in lieu of the exemplary damages awarded therein which is hereby deleted, the three (3) accused-appellants are hereby ordered to pay, jointly and severally, the heirs of the late Rolando<sup>[6]</sup> Montoya the amount of P50,000.00 as civil indemnity in accordance with the prevailing jurisprudence. Costs against the appellants."<sup>[7]</sup>

Hence, this petition for review filed by Eddie Talay, Bayani Talay and Edgardo "Eddie" Mague, Jr. (collectively "petitioners," for brevity).

### **The Facts**

There is no dispute that Ronaldo Montoya was shot twice with a handgun on December 26, 1981 at around 6:30 o'clock in the evening near the store of one Marina Castillo. Ronaldo Montoya died because of two gunshot wounds. The prosecution pointed to Eddie Talay, Bayani Talay and Edgardo "Eddie" Mague, Jr., Cesar "Toti" Amiscosa and an unidentified companion of their group as co-principals in a conspiracy to kill the victim. On the other hand, the defense pointed to an unknown and unidentified man as the one who pulled the trigger twice on Ronaldo

Montoya.

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

The prosecution presented seven witnesses. Marina Castillo, a storeowner, Ramoncito Ramos, the victim's companion during the shooting, Nieto Toledo, son of the barangay captain, and Oscar Montoya, father of the victim, who were all at the scene of the crime when the shooting occurred, gave their eyewitness accounts. Dr. Engracia dela Cruz testified on the results of the autopsy, policeman Rodelo Sumadsad testified that he investigated the incident and took down the statements of several witnesses, while barangay captain Rodrigo Toledo testified that he saw Ronaldo Montoya wounded.

As culled from the testimonies of its witnesses, the prosecution established that at about 6:30 o'clock in the evening of December 26, 1981, the victim Ronaldo Montoya and Ramoncito Ramos were at the store of Marina Castillo drinking soft drinks. Eddie Talay, Bayani Talay and Edgardo "Eddie" Mague, Jr. and their two other companions arrived at the store. Edgardo "Eddie" Mague, Jr. suddenly boxed Ronaldo Montoya and Ramoncito Ramos. Bayani Talay and Cesar "Toti" Amiscosa joined in mauling Ronaldo Montoya and Ramoncito Ramos, forcing the two to run away. Ronaldo Montoya ran towards the house of barangay captain Rodrigo Toledo. Upon reaching the barangay captain's house, Ronaldo Montoya reported to him that he was "*kinukursunadahan at pinagsusuntok.*" Ronaldo Montoya, barangay captain Toledo and his son, Nieto Toledo, proceeded to the scene of the incident. Ronaldo Montoya pointed to the group of Eddie Talay, Bayani Talay and Edgardo "Eddie" Mague, Jr. as the ones who earlier boxed him and Ramoncito Ramos. Edgardo "Eddie" Mague, Jr. then shouted to Eddie Talay, "Barilin na iyan!" Eddie Talay shot the victim with a .45 caliber pistol. Thereafter, the group of Eddie Talay fled and disappeared. Ronaldo Montoya was rushed to the Velasco Hospital in Silang, Cavite, where he was declared dead, on arrival.

Initially, a complaint for murder was filed on December 29, 1981 against petitioners. On December 13, 1984, a complaint for homicide was filed in lieu of murder. Eddie Talay, Bayani Talay and Edgardo "Eddie" Mague, Jr. resurfaced three years after the incident, or in December of 1984, to post bail before the Municipal Circuit Trial Court of Silang-Amadeo, Cavite.

### ***Version of the Defense***

The defense presented four witnesses. Eddie Talay, Bayani Talay and Edgardo "Eddie" Mague, Jr. narrated that they were on their way to the house of one Nelson Belardo when they stopped by the store of Marina Castillo. Eddie Mague, Jr. bought cigarettes at the store. They suddenly saw a man approach and box Ronaldo Montoya. There was a commotion and a rumble ensued. Eddie Talay tried to pacify the group. Ronaldo Montoya ran away and returned with barangay captain Rodrigo Toledo and the latter's son, Nieto Toledo. Ronaldo Montoya pointed to the man who boxed him, at which point, the man shot Ronaldo Montoya with a gun. Their version that an unknown assailant shot Ronaldo Montoya was corroborated by Benjamin Arcilla.

### **The Court of Appeals' Ruling**

The Court of Appeals found that the trial court correctly gave credence to the testimonies of the prosecution witnesses. The Court of Appeals noted that the inconsistencies pointed out by the defense in the testimonies of the prosecution witnesses referred to trivial matters that did not affect their credibility. It also noted that slight differences in the recollection of the prosecution witnesses of the details relating to the incident may be expected since some of them testified more than six years after the shooting occurred. The Court of Appeals ruled that the positive identification by the prosecution witnesses of Eddie Talay, Bayani Talay and Edgardo "Eddie" Mague, Jr. as the assailants of Ronaldo Montoya rests on solid foundation as their eyewitness accounts were consistent.

The Court of Appeals also agreed with the trial court that the conduct of Eddie Talay, Bayani Talay and Edgardo "Eddie" Mague, Jr., before, during and after the commission of the crime, established a series of acts done in conspiracy to pursue a common unlawful purpose.

### **The Assigned Errors**

Petitioners fault the Court of Appeals for (1) taking into account the testimony of prosecution witness Marina Castillo which was stricken off the record; (2) giving credence to the testimony of prosecution witness Ramoncito Ramos despite the finding of the trial court that he was a liar; and (3) not taking into account through oversight the testimony of defense witness Benjamin Arcilla.

### **The Court's Ruling**

The petition is bereft of merit.

The merits of the defense's petition hinge on the credibility of witnesses. The Court, however, has invariably relied upon, and accorded the highest respect for, the findings of fact of trial courts. This is particularly true when what is at issue is the credibility of witnesses. No departure from this principle and practice is warranted by petitioners' arguments in this case.

### ***Credibility of Prosecution Witnesses***

First, petitioners argue that since Marina Castillo's testimony as the principal witness for the prosecution was stricken off the record by the trial court's order of May 5, 1988,<sup>[8]</sup> the other prosecution witnesses' testimonies which merely corroborate Marina's testimony no longer have any leg to stand on. Second, petitioners contend that the Court of Appeals should not have given credence to the testimony of Ramoncito Ramos after the trial court found him to be a liar. Third, they also fault the Court of Appeals for not considering the testimony of defense witness Benjamin Arcilla to exculpate them.

While it is true that Marina Castillo's testimony was stricken off the record, she is not, as the defense argues, the prosecution's principal witness. Her testimony is not indispensable to secure the conviction of petitioners.

The consistent and unequivocal eyewitness accounts of the other prosecution witnesses, namely Ramoncito Ramos, Nieto Toledo, and Oscar Montoya, suffice to

meet the degree of proof required by the Constitution and the law to validate a conviction. The testimony of Ramoncito Ramos showed this, thus:

“ATTY. GENEROSO:

Now, you said you were in front of the store of Marina Castillo. What were you doing there?

WITNESS:

I was drinking soft drinks with Ronaldo Montoya.

ATTY. GENEROSO:

While you were drinking soft drinks, what was that soft drinks, by the way?

A: Seven-Up, sir.

Q: While you were drinking Seven-Up, what happened?

A: Eddie Talay and the companions of Eddie Talay arrived.

Q: When you were referring to the companions of Eddie Talay, are these the companions you just registered on record?

A: Yes, sir.

Q: And when the companions of Eddie Talay came, what happened?

A: They boxed us.

Q: Who boxed, “pinagsusuntok?”

A: They boxed us.

Q: Who boxed Ronaldo Montoya?

A: Eddie Mague.

Q: How about you, who boxed you?

A: Eddie Mague.

Q: Who else were boxed by Eddie Mague?

A: We were only two (2) there.

Q: How about the others, they did not box?

A: There was a rumble, a fray.

ATTY. GENEROSO:

And then, after you and Ronaldo Montoya were boxed and a fray took place, what happened?

A: We ran away.

Q: Now, will you tell this Court where you and Ronaldo Montoya ran?

A: In the house of the Barangay Chairman, sir.

Q: And was he able to return to the place where the boxing incident happened?