

SECOND DIVISION

[G.R. No. 126136, April 05, 2002]

**PEOPLE OF THE PHILIPPINES, PLAINTIFF-APPELLEE, VS.
YAMASHITO RONQUILLO, ACCUSED-APPELLANT.**

D E C I S I O N

DE LEON, JR., J.:

This is an appeal from the Decision^[1] of the Regional Trial Court, National Capital Judicial Region, Branch 91, Quezon City in Criminal Cases Nos. Q-91-26812-14 convicting accused-appellant Yamashito Ronquillo of the crime of Murder and sentencing him to suffer the penalty of *reclusion perpetua*.

On January 6, 1991, at about 6:00 o'clock in the evening, a loud explosion was heard inside the Manresa Compound which is bounded by Sto. Domingo, Mauban, Dagot and Biak-na-Bato Streets in Barangay Manresa, Quezon City. The explosion set several houses on fire. Thereafter, several men who were going out of the compound were firing shots inside the compound. The shooting lasted for about one hour and stopped only when Quezon City Councilors Calalay and Tamayo arrived. As a result of the incident, five (5) houses were burned, two (2) persons were killed and several others were injured.^[2]

The Quezon City police authorities initially conducted an investigation. Claiming that some of those involved in the incident were Quezon City policemen, the residents of Manresa Compound sought the assistance of the Commission on Human Rights, where they executed their affidavits. Then the affidavits were forwarded to the Office of the Prosecutor of Quezon City, which endorsed the case to the Department of Justice for preliminary investigation.^[3]

Seventeen (17) persons, namely, Yamashito Ronquillo, Juan Tagalog, Voltaire Ayate, Orlando Abis, Saturnino Paras, Sofronio Atienza, Jose Ofilan, Jose Malasa, Manuel Paras, Delfin Buendia, Roberto Tayam, Roberto Feliciano, Jaime Caravi, Roberto Obuna and Gil Omio, were charged with (1) Multiple Arson, (2) Attempted Murder and (3) Double Murder with Multiple Frustrated and Attempted Murder.

The Information^[4] in Criminal Case No. Q-91-26812 for Multiple Arson, reads:

That on or about January 6, 1991 in Barangay Manresa, Quezon City and within the jurisdiction of this Honorable Court, the above-named accused, conspiring and confederating with and mutually helping one another and with treachery, abuse of superior strength, with the aid of armed men, and knowing the houses inside a residential compound in said barangay to be the dwellings of Basilisa Marzon, Baltazar Bacolongan, Epifania de Vera, Mely de Guzman and Angelito de Vera and known to the accused to be occupied by the said owners and the members of their families at the

time, did then and there willfully, unlawfully and feloniously throw and explode a molotov bomb at the residential house of Basilisa Marzon thereby setting it on fire, as well as the four other houses, razing them to the ground, thereby causing damages to the respective owners thereof as follows:

a. Basilisa Marzon	-	P 50,000.00
b. Baltazar Bacolongan	-	P155,000.00
c. Epifania de Vera	-	P 15,000.00
d. Mely de Guzman	-	P 14,500.00
e. Angelito de Vera	-	P 14,000.00

The Information^[5] in Criminal Case No. Q-91-26813 for Attempted Murder reads:

That on or about January 6, 1991 in Barangay Manresa, Quezon City and within the jurisdiction of this Honorable Court, the above-named accused, conspiring and confederating with and mutually helping one another, with intent to kill, abuse of superior strength, treachery, aid of armed men, and in disregard of dwelling, did then and there willfully, unlawfully and feloniously open fire at Felicisimo Opriasa with their high-powered firearms thus commencing the commission of the felony of murder directly by overt acts, but did not perform all the acts of execution which would produce the felony of murder by reason of some cause other than their own spontaneous desistance, namely, victim Felicisimo Opriasa was not hit as he dodged the shots by dropping to the floor and crawling out of his house.

The Information^[6] in Criminal Case No. Q-91-26814 for Double Murder with Multiple Frustrated and Attempted Murder reads:

That on or about January 6, 1991 in Barangay Manresa, Quezon City and within the jurisdiction of this Honorable Court, the above-named accused, conspiring and confederating with and helping one another, on the occasion of a conflagration, with intent to kill, treachery, abuse of superior strength and with the aid of armed men, did then and there willfully, unlawfully and feloniously open fire with their high-powered firearms at the residents of a residential compound resulting in the following, to wit:

- a) instantaneous deaths of Rogelio Buencamino, Jr. and Feliciano Bacolongan, both of whom having suffered mortal gunshot wounds in different parts of their bodies such as chest, abdomen and thigh;
- b) serious gunshot injuries on the different parts of the bodies of Mario Moseños, Armando Pascual and Marissa Galangue, thus, accused had performed all the acts of execution which would produce the felony of murder as a consequence but which nevertheless did not produce it by reason of some cause independent of the will of the perpetrators, namely, the timely medical assistance; and
- c) less serious and slight physical injuries to Elisa Albaytar and

Jose Bobby Ocenar, thus, accused had commenced the commission of the felony of murder directly by overt acts, but did not perform the acts of execution which would produce the felony of murder by reason of some cause other than their own spontaneous desistance, namely that they failed to inflict serious injuries to the victims and that the injuries the latter sustained were not serious enough to endanger their lives, thereby causing damages in such amounts as may be proved.

CONTRARY TO LAW.

Only Yamashito Ronquillo, Juan Tagalog, Voltaire Ayate and Orlando Abis were arrested, while the others are at large. When arraigned, the said four (4) accused pleaded not guilty to the three (3) charges. Joint trial ensued.

On May 2, 1994, after the cases against said four (4) accused were submitted for decision, Saturnino Paras, Jose Ofilan and Manuel Paras were arrested. Manuel Paras died on June 3, 1994; hence, the cases against him were dismissed. The cases against Saturnino Paras and Jose Ofilan are still pending trial.

On August 25, 1994, the trial court rendered a Joint Decision, the dispositive portion of which reads:

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

1. ACQUITTING accused Yamashito "Bebot" Ronquillo, Voltaire Ayate, Juan Tagalog and Orlando Abis y Declaro of the crime of Multiple Arson in Crim. Case No. Q-91-26812 for failure of the prosecution to prove their guilt beyond reasonable doubt;
2. ACQUITTING accused Yamashito "Bebot" Ronquillo, Voltaire Ayate, Juan Tagalog and Orlando Abis y Declaro of the crime of Attempted Murder in Crim. Case No. Q-91-26813 for failure of the prosecution to prove their guilt beyond reasonable doubt; and
3. Finding accused Yamashito "Bebot" Ronquillo GUILTY beyond reasonable doubt of the crime of Murder in Crim. Case No. Q-91-26814 for the killing of Feliciano Bacolongan and sentencing him to suffer the penalty of *reclusion perpetua*, to indemnify the heirs of Feliciano Bacolongan in the amount of P50,000.00 and to pay the costs of the suit.

Accused Voltaire Ayate, Juan Tagalog and Orlando Abis are ACQUITTED of the crime charged in Crim. Case No. Q-91-26814 on reasonable doubt.

The City Warden, Quezon City Jail, is directed to immediately release Voltaire Ayate, Juan Tagalog and Orlando Abis from custody of the law, unless held thereat for another lawful cause.

SO ORDERED. [7]

The conviction of appellant Yamashito Ronquillo for the killing of Feliciana Bacolongan in Criminal Case No. Q-91-26814 was based on the testimony of prosecution witness Baltazar Bacolongan who positively identified the appellant.

Baltazar Bacolongan testified that at 6:00 o'clock in the evening of January 6, 1991, he and his wife Feliciana were walking along Sto. Domingo Street on their way home when they heard a loud explosion. They ran to their house inside the Manresa Compound and saw that it was on fire. They called for their children, and as his wife was about to climb the stairs to their house, his wife fell down and he saw blood on her stomach. He placed his wife on his lap and looked at the direction where the shot came from, which was beside their fence along Mauban Street, and saw appellant Yamashito Ronquillo, Juan Tagalog, Voltaire Ayate, Saturnino Paras, Roberto Tayag, Roberto Feliciano and others firing their guns. He shouted for help and his neighbors came. They brought his wounded wife in front of the house of Polly Opriasa, and then to the hospital, but she died on the way to the hospital. He executed an affidavit^[8] after the incident.^[9]

Mely de Guzman testified that her house was inside the Manresa Compound, about seven (7) meters away from Mauban Street and three (3) armlength away from the house of Baltazar Bacolongan. On January 6, 1991, at about 6:00 o'clock in the evening, she was cooking dinner when she heard a loud explosion. She saw the house of Baltazar Bacolongan burning and she, her husband and children went out of their house. Then she saw Jose Malasa, Jose Ofilan, Roger Ofilan, appellant Yamashito Ronquillo, Voltaire Ayate, Juan Tagalog and others firing their guns. She and her family dropped to the ground to avoid being hit. Aside from the house of Baltazar Bacolongan, one-half of her house, and the houses of her mother, Epifania de Vera and that of her brother, Angelito de Vera, were also burned. However, witness De Guzman did not identify any of the four (4) accused in open court in the course of her testimony as among those involved in the shooting incident.^[10]

On the other hand, appellant Yamashito Ronquillo denied liability in the killing of Feliciana Bacolongan and put up the defense of alibi. He testified that he was an awardee in the housing project in Manresa put up by the Quezon City government during the time of Mayor Brigido Simon, Jr., and also a member of the awards committee which evaluates the qualifications of the applicants of said housing project. Phase 3 of the housing project is occupied by most of the members of the Federation of Concerned Citizens of the Philippines (FOCCOS) headed by Felicisimo Opriasa. FOCCOS opposes the housing project because it claims that the property belongs to its members. In the morning of January 6, 1991, the members of FOCCOS constructed a fence along Mauban and Biak-na-Bato Streets. When informed of said construction, the barangay captain requested for police assistance and they invited the head of the group for a dialogue at the police station. Thereafter, a policeman and Pastor Ofilan went to the site of the aforementioned fence and ordered its removal because it was illegally constructed; appellant helped in the demolition. At about 3:00 o'clock in the afternoon, appellant saw Maria Opriasa and Jose Ofilan arguing but they were pacified by a policeman. At about 5:00 o'clock in the afternoon, appellant saw a person nailing something in the area where the fence was earlier put up, which was just behind his house, and he asked the said person to stop but the latter kicked him and he retaliated by boxing the said person who then ran away. Thereafter, appellant went home. After one hour, he heard a loud explosion from the place of Opriasa along Sto. Domingo and

Mauban Streets, about fifty (50) meters away from his house, followed by successive shots, which lasted for about one hour. When the shooting stopped, he went out of his house to find out what happened. While he was standing at the gate of their compound, he saw media men and policemen going back and forth along Mauban Street.^[11]

SPO2 Rosito Calabucal, who is with the Inspectorate and Legal Affairs Division, Central Police District Command, Camp Karingal, Quezon City, testified that he was the principal investigator designated to investigate the incident that occurred at Barangay Manresa. Upon receiving the assignment, he went to the National Orthopedic Hospital where two (2) victims of the shooting incident, Armando Pascual and Estrellita Pascual, were being treated. Armando Pascual gave a statement identifying Barangay Captain Saturnino Paras, Kagawad Jose Ofilan, Police Officer Malasa and other policemen as the persons who fired the shots inside the compound. Then SPO2 Calabucal went to the United Doctors Medical Center where another victim, Feliciano Bacolongan, was brought but who was already dead on arrival. He interviewed said victim's husband, Baltazar Bacolongan, who was not able to name the assailants. He advised Baltazar Bacolongan to go to the La Loma Police Station to give his statement but the latter failed to do so. He proceeded to the police headquarters at La Loma and prepared a report. Thereafter, he went to the crime scene and saw the dead body of Rogelio Buencamino which he brought to the PC Crime Laboratory for autopsy. He observed that the compound along Sto. Domingo and Mauban Streets is fenced with galvanized iron about six (6) feet high and that only the roofs of the houses can be seen outside the fence.^[12]

The trial court ruled that solely accused-appellant Yamashito Ronquillo was liable for the death of Feliciano Bacolongan since he was the only one positively identified by Baltazar Bacolongan as one of those whom he saw firing his gun after his wife was shot on the stomach. Although Bacolongan testified that aside from appellant Yamashito Ronquillo, he also saw Juan Tagalog, Voltaire Ayate, Saturnino Paras, Roberto Tayag, Roberto Feliciano and many others, the trial court pointed out that in his Affidavit subscribed before the Public Prosecutor on January 17, 1991, Bacolongan failed to identify accused Voltaire Ayate, Juan Tagalog and Orlando Abis as among those whom he saw shooting at them and his neighbors, and only mentioned the names of appellant Yamashito Ronquillo, Roberto Feliciano, Jose Ofilan, Saturnino Paras, Sofronio Atienza and Pat. Jose Malasa, who were with other men whom he failed to recognize.^[13] The trial court deduced that Bacolongan would not have failed to recognize Juan Tagalog whom he admitted to know very well because the latter has been residing in Dagot for a long time;^[14] the same was true of Voltaire Ayate and Orlando Abis who were his long-time neighbors.^[15] Moreover, Baltazar Bacolongan together with Mely de Guzman, Basilisa Marzon and Epifania de Vera executed a Joint Affidavit^[16] subscribed on February 7, 1991, naming appellant, Juan Tagalog, Voltaire Ayate and Orlando Abis as among those responsible for the burning of their houses and the death of Feliciano Bacolongan and Rogelio Buencamino, Jr. Although Mely de Guzman testified that she saw appellant Yamashito Ronquillo, Voltaire Ayate, Juan Tagalog, Jose Malasa, Jose Ofilan, Roger Ofilan and others, among those firing their guns as her house and that of Baltazar Bacolongan were burning, she did not identify appellant Yamashito Ronquillo, accused Voltaire Ayate, Juan Tagalog and Orlando Abis in court, which was fatal to the cause of the prosecution since the identification of the malefactors is