

SECOND DIVISION

[G.R. No. 132025, January 16, 2001]

**THE PEOPLE OF THE PHILIPPINES, PLAINTIFF-APPELLEE, VS.
MARGARITO GALO, JUNE "TOTO" SANAYAN, RODRIGO "DIGOY"
SANAYAN, AND ANACLETO "TITO" ASAS, ACCUSED-APPELLANTS.**

D E C I S I O N

MENDOZA, J.:

This is an appeal from the decision^[1] of the Regional Trial Court, Branch 4, Tagbilaran City, finding accused-appellants Margarito Galo y Bernacer, June "Toto" Sanayan y Sernikula, Rodrigo "Digoy" Sanayan y Segoro, and Anacleto "Tito" Asas y Quimson guilty of murder and sentencing each of them to suffer the penalty of *reclusion perpetua* and to pay to the heirs of the victim, Argeo Cuizona, the amount of P50,000.00 as civil indemnity and P30,000.00 as actual and moral damages.

The information^[2] against accused-appellants alleged-

That on or about the 27th day of September, 1994, in the municipality of Mabini, province of Bohol, Philippines and within the jurisdiction of this Honorable Court, the abovenamed accused, conspiring, confederating, and mutually helping each other, with intent to kill and without any justifiable cause, with treachery by employing craft, and with abuse of superior strength (the victim being unarmed), did then and there willfully, unlawfully, and feloniously attack, assault, and strike with the use of a club, bamboo, and pestle one Argeo Cuizona thereby inflicting upon his body mortal wounds which resulted [in] his instantaneous death; to the damage and prejudice of the heirs of the victim in the amount to be proved during the trial.

Acts committed contrary to the provisions of Article 248 of the Revised Penal Code, as amended by Republic Act No. 7659.

Accused-appellants pleaded not guilty to the crime charged, whereupon they were tried.^[3]

The prosecution presented the following as witnesses: Aniano Amoroto, Felicitas Vallecer, Marcelo Vallecer, Sr., Rizalina Recorba, Dr. Oscar Fudalan, SPO3 Virgilio Vergara, Marcelo Vallecer, Jr., Vicente Vallecer, and Socorro Sarabosing. Their testimonies show the following:

On September 27, 1994, at around 2 o'clock in the afternoon, in Barangay San Jose, Mabini, Bohol, accused-appellants Margarito Galo, June Sanayan, Rodrigo Sanayan, and Anacleto Asas, all working at the ranch owned by Robert Nazareno, had a drinking session at the store of Rizalina Recorba. After staying there for 30 minutes,

they transferred to a waiting shed in front of the store. At around 3 o'clock, Galo, June Sanayan, and Asas went to the house of Argeo Cuizona and invited him to join them. Argeo Cuizona went with accused-appellants. June Sanayan bought two more bottles of rum from the store of Recorba. Later, he went back to the store to borrow a knife from Recorba, but he was not given one. He tried to borrow from Prudencio Vallente and Lino Boiser, none of whom gave him a knife. He returned to the waiting shed and resumed drinking with his companions.^[4]

At around 5 o'clock that afternoon, Aniano Amoroto, who happened to pass by, saw Argeo Cuizona having drinks with accused-appellants. Amoroto himself was offered drinks, which he accepted. After some time, however, he heard June Sanayan saying that he would have killed Argeo Cuizona had he been able to borrow a knife. Amoroto was disturbed by what he heard, and he told the group to go home. He warned Argeo Cuizona that his life was in danger, but the latter dismissed the warning, saying that he had nothing to fear from June Sanayan.

At 6 o'clock in the afternoon, Amoroto's wife came and fetched him, but, although he went with her, Amoroto nonetheless returned to the waiting shed at about 7 o'clock that evening, worried that June Sanayan might carry out his threat. He was told by Ondoy Gulasito and Dodong Vallente that the group had already left.^[5]

On the other hand, Felicitas Vallecer said she was in her house preparing supper at about 7 o'clock in the evening when June Sanayan came looking for a bolo. As June Sanayan could not find one, he took her husband's night stick. Felicitas noticed that Rodrigo Sanayan, Anacleto Asas, Margarito Galo, and Argeo Cuizona were in her yard, talking in Tagalog. Although she did not actually see them, she recognized them through their voices because she had known them for a long time. After June Sanayan had gone out of the house, Felicitas Vallecer heard a commotion in the yard. She heard Argeo Cuizona cry for help, "Help me, Ting." ("Ting" is Vicente, Felicitas Vallecer's husband.) Felicitas shouted at the men outside to stop, but the beating continued for about half an hour more.^[6]

At around 7 o'clock that same night, Vicente Vallecer arrived home and saw a dead person lying in his yard. His wife told him what had happened and that she heard familiar voices in the yard. Vicente Vallecer then fetched the barangay captain and Aniano Amoroto, a barangay tanod. With the use of a flashlight, the barangay captain identified the dead person to be Argeo Cuizona. Found near the body of Argeo Cuizona were a night stick, three bamboo sticks, and a pestle, all of which belonged to Vicente Vallecer. They had been used to kill Argeo Cuizona. Vicente decided to take his family to his father's house.^[7]

SPO3 Virgilio Vergara was one of the policemen who responded to the report of the killing. He found the dead person lying on the ground, about 20 meters from the house of Vicente Vallecer. Near the body of the victim were a night stick, bamboo sticks, and a pestle, all of which had bloodstains. A pestle was found around six to 10 meters away from the body. A grassy area, six to 10 meters away from the crime scene, showed signs of struggle. SPO3 Vergara found Argeo to have suffered injuries in the head.^[8]

That same evening, accused-appellants went to the house of Marcelo Vallecer, Sr., the father of Vicente. Accused-appellant Rodrigo "Digoy" Sanayan told Marcelo

Vallecer, Sr. that they had killed Argeo Cuizona. After accused-appellants had left, Vicente and his wife and child arrived. Vicente told his father that Argeo Cuizona was found dead in his yard.^[9]

Marcelo Vallecer, Jr., 13 years old, overheard the four accused-appellants when they told his father that they had killed Argeo Cuizona. On October 24, 1994, he executed an affidavit on what he knew of the incident. Marcelo, Jr. explained that the delay in the execution of his affidavit was due to the fact that one of the accused-appellants, June "Toto" Sanayan, took him to the ranch on September 29, 1994, trying to persuade him not to testify against him. Marcelo, Jr. said, however, that he was not prevented from leaving the ranch nor threatened if he testified.^[10]

Vicente Vallecer was charged with murder, along with herein accused-appellants, for the death of Argeo Cuizona.^[11] However, he was later excluded from the charge for insufficiency of evidence.^[12]

Dr. Oscar Fudalan, the Municipal Health Officer who conducted the postmortem examination on the body of Argeo Cuizona, issued a report^[13] which reads:

DATA: ARGEO A. CUIZONA, 44 years old, farmer, residing at San Jose, Mabini, Bohol.

FINDINGS:

The cadaver was about 5 ft. 6 inches long weighing 85 kilograms which was already in RIGOR MORTIS.

1. Lacerated wound, C-shaped, 5 cm. long, cheek, right
2. Abrasions, multiple, superficial, frontal area
3. Fractures, multiple, occipito-parietal regions, postero-lateral, left, with small fragments of bone . . . detached and parts of the brain protruding through the wound and fractures.
4. Lacerated wound, ear (almost detached), left
5. Ce[re]bral injuries, multiple, occipito-parietal lobes, brain

NOTE:

Injuries Nos. 3 and 5 were the ones responsible for the death of the above-mentioned individual.

Dr. Fudalan testified that the body of Argeo Cuizona was already in a state of rigor mortis when he conducted the examination at 9 o'clock in the morning of September 28, 1994. He estimated that death occurred more than six hours prior to the autopsy, so that it was possible Argeo Cuizona died in the evening. He said wound no. 1, which was found on the cheek of the victim, could have been caused by any of the weapons presented in evidence, *i.e.*, night stick, the bamboo sticks, or the pestle. On the other hand, wound no. 2 consisted of superficial abrasions on the forehead of the victim. These abrasions could have been caused by sand particles if

the victim were lying on his back. It is also possible that the victim was dragged, Dr. Fudalan explained. With respect to wound no. 3, he said some of the brain tissues were protruding from the wound at the left side portion of the victim's head. According to Dr. Fudalan, any blunt instrument could have caused these fractures, such as the pestle or the night stick. He said that wound no. 3 could not have been caused by a sharp-bladed instrument because the lips of the wound are uneven but that it was possible that the night stick caused the same because of the night stick's sharp edge. Wound no. 4 was a lacerated wound running from the left portion of the ear to its base, almost severing the ear. In wound no. 5, part of the brain was already destroyed because of the fractures. Dr. Fudalan was of the opinion that wound nos. 3 and 5 were the fatal wounds as these involved the brain.

Dr. Fudalan stated that it was possible that the injuries were caused by more than one person. On cross-examination, however, he said it was possible that the injuries were caused by only one person, depending on the victim's position, and by only one instrument. He admitted that he did not see the alleged weapons when he conducted the postmortem examination. Dr. Fudalan explained that it was possible there would be no bloodstain on the weapons because the blood would not come out immediately, unlike in stab wounds. Dr. Fudalan explained that wound no. 4 could have been inflicted before wound no. 3 and vice-versa. However, if wound no. 4 had been inflicted beforehand, Dr. Fudalan admitted that the instrument inflicting wound no. 3 would have been stained with blood.^[14]

Socorro Sarabosing, the deceased victim's sister, testified as to the burial and other expenses incurred by the victim's family. For the burial, nightly prayers, and other expenses connected to her brother's death, she stated that they spent approximately P10,000.00. They also spent P500.00 when they requested that a warrant be issued against the four accused. They spent P500.00 during the preliminary investigation, while they set aside P1,000.00 for every trial date, the latter amount being due to the fact that they had to bring witnesses. The transportation fare from their barrio to Tagbilaran City, where the trial was held, was P35.00 per person. All in all, Socorro Sarabosing testified, they incurred expenses in the amount of P24,200.00.^[15]

Accused-appellants Margarito Galo, Rodrigo Sanayan, June Sanayan, and Anacleto Asas testified in their defense. All of them admitted that they had drinks with Argeo Cuizona, but they denied killing him.^[16]

On March 21, 1997, the trial court rendered its decision finding accused-appellants Margarito Galo, Rodrigo Sanayan, June Sanayan, and Anacleto Asas guilty of murder. The dispositive portion of the decision reads:

WHEREFORE, the Court finds accused Margarito Galo y Bernacer, June Sanayan y Sernikula, Rodrigo Sanayan y Sagoro, and Anacleto Asas y Quimson guilty beyond reasonable doubt of the crime of Murder contrary to the provisions of Article 248 of the Revised Penal Code, as amended by Republic Act No. 7659, and sentences EACH of them to suffer the penalty of reclusion perpetua, to solidarily and jointly pay to the heirs of the deceased victim Argeo Cuizona the sum of P50,000.00 as death indemnity and another sum of P30,000.00 in the concept of actual and moral damages.

SO ORDERED.^[17]

Hence this appeal. Accused-appellants contend that:

- I. THE COURT A QUO ERRED IN FINDING THE ACCUSED-APPELLANTS GUILTY BEYOND REASONABLE DOUBT OF THE CRIME OF MURDER ON CIRCUMSTANTIAL EVIDENCE.
- II. THE COURT A QUO ERRED IN FINDING THAT CONSPIRACY EXISTED IN THE COMMISSION OF THE CRIME.
- III. THE COURT A QUO ERRED IN ORDERING THE ACCUSED-APPELLANT TO SOLIDARILY AND JOINTLY PAY THE HEIRS OF VICTIM THE SUM OF P50,000.00 AS DEATH INDEMNITY AND P30,000.00 AS ACTUAL AND MORAL DAMAGES.^[18]

First. Accused-appellants question the trial court's evaluation of the testimonies of prosecution witnesses Aniano Amoroto, Marcelo Vallecer, Sr., and Felicitas Vallecer. Accused-appellants say that it is unbelievable for accused-appellant June Sanayan to tell Aniano Amoroto that he wanted to kill Argeo Cuizona. With regard to the testimony of Marcelo Vallecer, Sr., accused-appellants point out that the former's affidavit was executed only on February 15, 1995, almost four months after the incident. And with respect to Felicitas Vallecer and Marcelo Vallecer, Sr., accused-appellants claim that the two testified for the prosecution to save Vicente Vallecer from prosecution for the death of Argeo Cuizona.^[19] Vicente Vallecer is the husband of Felicitas Vallecer and the son of Marcelo Vallecer, Sr.

The evaluation of the testimonies of witnesses is chiefly the function of the trial court. When there is no indication that patent inconsistencies have been overlooked or that the conclusions reached are unsupported by the evidence, the trial court's evaluation of the credibility of witnesses must be accorded the highest respect. This is for no other reason than that the trial court had the opportunity to observe the demeanor of the witnesses while testifying.^[20]

In this case, the trial court found the following:

The Court does not give credence to the version of the four (4) accused denying the charge alleging that Argeo Cuizona accompanied them in the evening of September 27, 1994 on their way to the Nazareno farm as Cuizona would drop by the house of Vicente Vallecer to dress a chicken.

With utmost objectivity, as between a mere denial of the accused and the chronologically detailed declarations of the prosecution witnesses, the Court gives more evidentiary value to the latter.

In a spirit of vindictiveness, the four accused deceptively invited Argeo Cuizona to go with them to the ranch of the Nazarenos where they were working on the pretext that they would dress a chicken when in fact they had bad intention against the victim Argeo Cuizona and the victim realizing such bad intention of the accused on their way to the ranch, an altercation between Cuizona on one hand and the four (4) accused on the