

EN BANC

[G.R. No. 133437, November 16, 2001]

**PEOPLE OF THE PHILIPPINES, APPELLEE, VS. RONALD SAMSON,
JERRY ESPIRITU, JOHN DOE AND PETER DOE, ACCUSED.**

RONALD SAMSON, APPELLANT.

DECISION

DE LEON, JR., J.:

A life hangs on the balance in this automatic review of the Decision^[1] of the Regional Trial Court of Biñan, Laguna, Branch 25, convicting the appellant, Ronald Samson, for the fatal shooting of Barangay Captain Glicerio Barrio of Barangay Butong, Cabuyao, Laguna.

The Information charging the appellant, Ronald Samson, and his co-accused,^[2] Jerry^[3] Espiritu, John Doe and Peter Doe of the crime of murder, as defined and penalized under Article 248, as amended, of the Revised Penal Code, reads:

That on or about January 6, 1997, in the Municipality of Cabuyao, Province of Laguna, Philippines and within the jurisdiction of this Honorable Court, accused RONALD SAMSON, conspiring and confederating with JERRY ESPIRITU who is still at-large, JOHN DOE and PETER DOE, whose identities have not yet been ascertained and mutually helping one another, with intent to kill and while conveniently armed with a firearm Caliber .45 with treachery, evident premeditation and abuse of superior strength, did then and there wilfully, unlawfully and feloniously shoot one BRGY. CAPTAIN GLICERIO BARRIO Y RICAMORA with the said firearm, thereby inflicting upon the latter multiple gunshot wounds on his body, which directly caused his death, to the damage and prejudice of his surviving heirs.

That in the commission of the crime the qualifying aggravating circumstances of treachery, evident premeditation and abuse of superior strength are present.

CONTRARY TO LAW.

Upon being arraigned on July 7, 1997, appellant Ronald Samson, assisted by his counsel *de parte*, entered the plea of "Not guilty" to the charge in the Information. Pre-trial was waived by the appellant when pre-trial in criminal cases was not yet mandatory at that time.

Meanwhile, appellant, through counsel, filed a petition for bail^[4] which was opposed by the prosecution.^[5] After hearings were conducted, the trial court denied the

petition for bail in an Order dated October 13, 1997.

It appears from the evidence adduced by the prosecution that on January 6, 1997 at around 8:00 o'clock in the evening, the victim, Barangay Captain Glicerio Barrio, was in front of his house in Barangay Butong, Cabuyao, Laguna. Glicerio was waiting for other people to arrive at the meeting which he had earlier called to discuss the proposed construction of a fence around the barangay chapel.^[6]

According to prosecution witness Filomeno Alviar, Glicerio's half brother, the victim, who was seated on a bench, with his back facing the road, was addressing the persons who had arrived at the meeting. At that juncture, an unidentified man passed behind Glicerio, followed by three (3) other men. Glicerio was surprised as the three (3) strangers pulled their guns. One of the strangers immediately shot him on the chest with a .45 caliber pistol as he was about to face them. Three (3) more shots were fired by the assailant causing the victim to fall to the ground. Subsequently, the same assailant stooped over the prostrate body of the victim and shot him again on the neck. The assailant then remarked "Pare, ayos na." as he rejoined his two (2) companions who were armed with a .45 caliber pistol and an Uzi machine pistol, respectively. They fired gunshots in the air as they fled from the scene of the crime and boarded a tricycle that headed towards the direction of Barangay Bigaa, Cabuyao, Laguna.^[7]

Filomeno testified that he recognized appellant Ronald Samson as one of the two (2) persons who served as back-up of the assailant and was armed with an Uzi machine pistol, and that the other back-up man who was armed with a .45 caliber pistol was the other accused, Jerry Espiritu. According to this witness, both men arrived earlier sometime in December 1996 in the house of Leonardo Misa which is opposite his (Filomeno's) store in Barangay Butong, Cabuyao, Laguna, and that the two (2) men were then aboard on dump trucks which were being used by Leonardo in his hauling business. Since then, he often saw the appellant who one occasion even went to his store to buy some goods. Filomeno suspects that business rivalry between Leonardo and the victim is the motive for the killing.^[8]

Prosecution witness Charrie Barrio testified that on January 6, 1997 at around 8:00 o'clock in the evening, he and other members of their family were watching television inside their house when they heard a gunshot. Charrie hurriedly went outside and saw how his father, Glicerio, was shot in the neck by one of the suspects, that the other suspect was standing on the left side of his father while the third suspect, whom he identified in court as the appellant, was positioned at about four (4) meters away from him.^[9]

The suspects then aimed their firearms at Charrie and the other members of the family of the victim so that they all had to duck on the ground. Thereafter, the suspects fired their guns in the air to scare the people as they fled on board a tricycle bound for Barangay Bigaa. Charrie could not recall the faces of the suspects other than the appellant whom he claimed he had seen many times in their barangay prior to the killing of his father on January 6, 1997.^[10]

On January 7, 1997, a cartographer from the Philippine National Police (PNP) arrived in their house to draw the sketches of the suspects. Prosecution witnesses Filomeno Alviar and Charrie Barrio and the other persons who allegedly witnessed the

shooting incident gave descriptions of the suspects.^[11] They described the gunman as basically sporting a thin moustache^[12] while the back-up who was armed with .45 caliber pistol as having a brushed-up hair.^[13] The other back-up who was armed with an Uzi machine pistol and wearing a baseball cap, was described by Filomeno and Charrie as having thick eyebrows and slightly bulging pair of eyes.^[14]

On January 16, 1997, prosecution witnesses Filomeno Alviar and Charrie Barrio went to the Police Station in Cabuyao, Laguna and gave their respective sworn statements^[15] on the killing of the victim before PO2 Gerry C. Crisostomo. Both prosecution witnesses stated therein that the names of appellant, Ronald Samson, and his co-accused, Jerry Espiritu, were only given to them by the people in their barangay who knew those two (2) persons.

Dr. Esmeraldo P. Plastina, M.D., Municipal Health Officer of Calamba, Laguna conducted the autopsy on the body of the victim. From the Medico-Legal Necropsy Report^[16] prepared and signed by Dr. Plastina, the following findings appear:

I-EXTERNAL FINDINGS:

1. Gunshot wound of entrance measuring 1 x 0.9 cm. right side of the neck.
2. Gunshot wound of exit measuring 2 x 1.2 cm. left frontal region of the head.
3. Gunshot wound of entrance measuring 0.9 x 0.9 cm. left infra-clavicular region.
4. Gunshot wound of exit measuring 2 x 1.1 cm. scapular region.
5. Gunshot wound of entrance measuring 0.9 x 0.9 cm. left mammary region.
6. Gunshot wound of exit measuring 1.9 x 1.5 cm. left scapular region.
7. Gunshot wound of entrance measuring 1 x 0.9 cm. right deltoid region.
8. Gunshot wound of entrance measuring 0.9 x 0.9 cm. left inner lower arm.
9. Gunshot wound of exit measuring 1.5 x 1.3 cm. left outer lower arm.

II-INTERNAL FINDINGS:

1. Brain, left lung with bullet wound.
2. One (1) slug recovered inside the body.

The widow of the victim, Elena Barrio, testified that her family incurred the following expenses during the wake of her husband:

a) Funeral services	P 60,000.00
Food, drinks and	
b) other expenses	P 50,000.00
for the wake	
Rental of burial	
c) lot for five (5)	P 5,000.00
years	
Total	P115,000.00

She also testified that Glicerio was engaged in the business of raising fighting cocks, and worked regularly as manager of a cockpit arena where he derived a monthly income of Twenty Thousand Pesos (P20,000.00).^[17]

The defense denied any liability of the accused-appellant for the killing of Glicerio Barrio. Appellant Ronald Samson, a table cloth maker, admitted being an acquaintance of Leonardo Misa who is the father-in-law of his sister, Rosanna Samson. He recalled that Leonardo sought his assistance sometime in November 1996 in securing the services of dump trucks from Bulacan for the former's hauling business in Laguna. Hence, Ronald had been to the residence of Leonardo in Barangay Butong, Cabuyao, Laguna to accompany the dump trucks from Bulacan and for which he received One Hundred Pesos (P100.00) for every trip from Leonardo.^[18]

However, appellant denied having been to Cabuyao, Laguna on January 6, 1997. On the said date, he left his house in Calumpit, Bulacan at 8:00 o'clock in the morning to meet with Honesto Redoblado in Balagtas, Bulacan and discussed the decision of the latter to stop sending dump trucks to Cabuyao, Laguna. After the meeting, appellant remained in the house of Honesto Redoblado until 3:00 o'clock in the afternoon as he waited to collect from the dump truck drivers a refund of the cash advance that they obtained from Leonardo Misa.^[19] Defense witness Honesto Redoblado corroborated appellant's testimony on material points during the trial. The same witness denied any resemblance of the cartographic sketches with any of his drivers and crew.^[20]

After collecting from the dump truck drivers the amount of Seven Thousand One Hundred Pesos (P7,100.00) as evidenced by a check and voucher^[21] dated January 6, 1997, appellant returned home where he spent the rest of the day. He then called up Leonardo Misa for the latter or his daughter-in-law, Rosanna Samson, to pick up the documents in Calumpit, Bulacan. Since Leonardo failed to pick up the documents, appellant brought the same with him on his business trip to Lucena City on January 12, 1997. From Lucena City, appellant dropped by the house of Leonardo Misa in Pulo, Cabuyao, Laguna where he gave the check and voucher to Leonardo's daughter.^[22]

Appellant learned that he was one of the suspects in the killing of Barangay Captain Glicerio Barrio of Cabuyao, Laguna through a newspaper report^[23] dated January 25, 1997. His parents went to Cabuyao, Laguna to verify the news and that they

allegedly learned from the police that there were many suspects in the fatal shooting of Glicerio Barrio. He was subsequently arrested on April 24, 1997^[24] by the police at his residence in Pungo, Calumpit, Bulacan in connection with this case.

Defense witness Leonardo Misa, a distant cousin of the victim, Glicerio, denied the existence of any business rivalry between him and the victim, although Leonardo's father ran but lost to Glicerio in the last barangay elections. Leonardo narrated that at the time of the incident, he rushed outside his house, which was about 200 to 300 meters from the house of the victim to verify what was happening after hearing several gunshots. He noticed that among the persons running from Glicerio's house towards the north was Filomeno Alviar who informed him that Glicerio was gunned down and that he was probably dead. Filomeno, however, could not tell him as to who shot Glicerio. Neither PO2 Gerry Crisostomo whom he met at the Cabuyao Municipal Hall after a futile search for the assailants could furnish any information about the identities of the assailants.^[25]

Leonardo denied any knowledge as to the identities of the persons whose faces appear on the cartographic sketches. He admitted familiarity with the appellant as far back as November 1996 when he went to Calumpit, Bulacan to ask for the hand of appellant's sister in marriage to his (Leonardo's) son. Leonardo suspected that a certain engineer with whom Glicerio had an argument a few days before the shooting incident had a hand in the killing of the victim.^[26]

The trial court then rendered a Decision^[27] on February 17, 1998, the dispositive portion of which reads:

WHEREFORE, this Court hereby finds accused RONALDO SAMSON Y SANTOS, GUILTY beyond reasonable doubt of the crime of MURDER qualified by treachery and there being present the aggravating circumstances that the killing was done (a) with insult or in disregard of the respect due victim Glicerio Barrio on account of his rank as Barangay Chairman, without any provocation on his part and; (b) with the aid of armed men who insured or afforded impunity, hereby imposes upon him the DEATH PENALTY and orders him to indemnify the heirs of Glicerio Barrio in the following sums:

- a) P50,000.00 as moral damages;
- b) P115,000.00 for funeral expenses; and
- c) P3,600,000.00 for loss of earning capacity of the victim.

SO ORDERED.

In his Brief,^[28] appellant interposed the following assignment of errors:

I

THE LOWER COURT ERRED IN HOLDING THAT THE PROSECUTION, THROUGH WITNESSES FILOMENO ALVIAR AND CHARRIE BARRIO, HAS SUCCESSFULLY IDENTIFIED ACCUSED-APPELLANT RONALD SAMSON AS ONE OF THE GUNMEN WHO KILLED BARANGAY CAPTAIN GLICERIO BARRIO IN THE EVENING OF JANUARY 6, 1997.