

## **THIRD DIVISION**

**[ G.R. No. 149884, December 11, 2001 ]**

**PEOPLE OF THE PHILIPPINES, PLAINTIFF-APPELLEE, VS. CESAR GALVEZ, ACCUSED-APPELLANT.**

### **R E S O L U T I O N**

**VITUG, J.:**

Petitioner Cesar Galvez was indicted in Criminal Case No. 1816 for murder before the Regional Trial Court, Branch I, of Isabela, Basilan, in an Information that read:

"That on or about the 27th day of July, 1991, and within the jurisdiction of this Honorable Court, viz, at Matarling, Municipality of Lantawan, Province of Basilan, Philippines, the above named accused, armed with an M16 armalite rifle, with treachery and evident premeditation, and with intent to kill, did then and there willfully, unlawfully and feloniously assault, attack and shoot one Rosalio Enojarda with the said M16 armalite rifle, thereby inflicting gunshot wound on the body of the latter which caused his death."<sup>[1]</sup>

Petitioner pleaded "not guilty" at his arraignment. Trial ensued. In a decision promulgated on 27 February 1995, the trial court held the accused guilty of the offense charged; it concluded:

"WHEREFORE, all factual and circumstantial matters surrounding the commission of the crime, being carefully and meticulously examined and studied, this Court finds the accused SPO2 Cesar Galvez, a member of the Philippine National Police GUILTY beyond reasonable doubt as principal in committing the crime of Murder as alleged in the Information and which crime is defined and penalized under Art. 248 of the Revised Penal Code, but considering his good military records after the commission of the crime, hereby sentences him to suffer an imprisonment of SEVENTEEN (17) YEARS, FOUR (4) MONTHS and ONE (1) DAY as minimum, to TWENTY (20) YEARS as maximum, which is the minimum period of Reclusion Temporal in its maximum period to death. And to indemnify the heirs of the late Rosalio Enojarda, the amount of P50,000.00 as moral damages and to pay the Court the amount of P500.00 as judicial costs and other accessory penalties attached to the penalty of Reclusion Temporal.

"And further this accused is hereby stripped of all the military ranks he now hold in the Armed Forces of the Philippines.

"And upon the promulgation of this decision, the accused shall immediately be committed to the Provincial Jail where the Provincial Warden is directed to immediately transfer him to the National