

EN BANC

[G.R. No. 129072, January 19, 2000]

**PEOPLE OF THE PHILIPPINES, PLAINTIFF-APPELLEE, VS.
ANTONIO ABUBU Y VALDEZ, ALIAS "BOY VALDEZ," ACCUSED-
APPELLANT.**

D E C I S I O N

BELLOSILLO, J.:

ANTONIO ABUBU y VALDEZ alias "Boy Valdez," JESUS VALDEZ y BUENO, OSCAR DIMARUCUT, RENATO MANABAT and REY MANABAT were charged before the Regional Trial Court of Cauayan, Isabela, Br. 19, with murder for the death of JULIUS GOLOCAN^[1] and three (3) counts of frustrated murder for the injuries sustained by FLORDELIZA, JOHN PAUL and NOEMI, all surnamed Golocan,^[2] under four (4) separate Informations, docketed as Crim. Cases Nos. 19-952 to 19-955. Only Antonio Abubu and Jesus B. Valdez were subsequently apprehended and arraigned, while Oscar Dimarucut, Renato Manabat and Rey Manabat have remained at large.

Julius Golocan, his wife Flordeliza and two (2) children - one-year old John Paul and three-month old Noemi - lived in Barangay Pinoma, Cauayan, Isabela. On 18 February 1996 at around 5:30 in the afternoon Flordeliza was preparing food for her children when she heard knockings at their front door. She peeped through an opening in the window and saw accused-appellant Antonio Abubu with four (4) companions. Julius, who was carrying John Paul in his arms, opened the door. He then went outside to the balcony and talked to accused-appellant and his companions. While Julius was talking to them, Flordeliza carrying Noemi joined them. Suddenly, the group drew their guns and started shooting Julius, Flordeliza and their two (2) children. The assault left Julius dead and his wife and two (2) children critically injured.

When news of the shooting reached the Cauayan Police Station, SPO2 Jim D. Gabrillo and SPO1 Rico G. Cagurangan rushed to the crime scene to investigate. There they found Julius sprawled dead on the floor while his wife Flordeliza and their two (2) children seriously wounded. They also found the bamboo and galvanized walls of the house peppered with bullets. Two (2) empty shells, which appeared to have been fired from a .357 revolver, were recovered at the crime scene.^[3]

The police brought Flordeliza and her children to the Cauayan District Hospital while the body of Julius was brought to the Carbonel Funeral Parlor for a post-mortem examination.^[4]

At the district hospital, SPO2 Mario C. Madriaga questioned Flordeliza about the identities of the culprits. She revealed that she and her family were shot by accused-appellant Antonio Abubu, accused Jesus Valdez and three (3) other

companions. Based on her statement, the police conducted a manhunt. Accused-appellant Abubu could not be found at his residence but was apprehended at the house of his cousin Jerry Capinding. Accused Jesus Valdez, on the other hand, was arrested at the house of Inteng Natividad, his brother-in-law. Both were thereafter brought to the Cauayan Police Station for investigation. The accused Oscar Dimarucut, Renato Manabat and Rey Manabat were never apprehended and have remained at large.

On 19 February 1996, due to inadequate hospital facilities, Flordeliza and her children were transferred to the Dr. Ester R. Garcia Hospital where they were treated by Dr. Ester R. Garcia herself and Dr. Artemio P. Corotan. Five (5) days later the victims were moved to the Baguio General Hospital where John Paul, who was shot in the head, was operated on.

Meanwhile, at the Carbonel Funeral Parlor, Dr. Antonio O. Abogado^[5] conducted a post-mortem examination on the body of Julius Golocan. His examination revealed that Julius sustained five (5) gunshot wounds. A bullet slug was extracted from his chest just below the skin by Dr. Abogado. The slug which had a diameter of one (1) centimeter and a length of two (2) centimeters entered through the left side of the victim's body. Dr. Abogado observed that the bullet wounds had a uniform diameter of 1.5 centimeters each.^[6] According to the *Certificate of Death* issued by Dr. Abogado Julius died due to massive hemorrhage antecedent to gunshot wounds on the head, chest and upper left extremities.^[7]

On the other hand, the injuries sustained by Flordeliza and her two (2) children were explained in court by Dr. Ester R. Garcia and Dr. Artemio P. Corotan. According to Dr. Garcia, Chief of the Dr. Ester R. Garcia General Hospital, Flordeliza, John Paul and Noemi were brought to her hospital in the evening of 19 February 1996 and confined there for five (5) days. Flordeliza was treated for the gunshot wound she sustained with a bullet that pierced her right upper arm and eventually lodged at the base of her right lung. The slug was not removed to avoid further injury. Dr. Garcia opined that the gunshot wound would have been fatal were it not for the immediate medical attention given to Flordeliza.^[8]

Dr. Corotan testified on the injuries suffered by John Paul and Noemi Golocan. According to him, John Paul's case was referred to him by Dr. Garcia for evaluation and management. John Paul suffered a single gunshot wound in the head with the bullet entering through his right temple and exiting at the left ear. The doctor also stated that it was a miracle that young John Paul survived the headshot. Noemi, on the other hand, sustained one (1) gunshot wound at the middle portion of her right sole and two (2) gunshot wounds on her left foot. Dr. Corotan was convinced that the injuries sustained by John Paul and Noemi were fatal enough to cause their death if they were not treated immediately.^[9]

Accused-appellant Antonio Abubu alias "Boy Valdez" testified that on 18 February 1996 he worked in the ricefield of his uncle Vicente Abubu. He finished at dusk and was on his way home when he encountered Oscar Dimarucut, Renato Manabat and Rey Manabat, whom he had previously met at the wedding of a cousin in *sitio* Pacac, Alicia, Isabela. They asked him if he knew Julius Golocan. Upon hearing an affirmative reply they asked him to accompany them to the house of Julius. He readily acceded to their request. Upon reaching the house, accused-appellant

informed Julius that the three (3) men had come to talk to him. However accused-appellant claimed that he did not witness the actual shooting as he left Oscar, Renato and Rey at the residence of Julius while they were still talking among themselves. He maintained that he was already 100 meters away from the house of Julius when he heard gunshots. Shaken, accused-appellant decided to go to the house of his cousin where he rested. It was there that the police found and arrested him for the shooting of the Golocan family.^[10]

At the police station, accused-appellant denied participation in the crime. Instead, he informed the police officers that it was Oscar Dimarucut, Renato Manabat and Rey Manabat who were responsible for the shooting.^[11] However, they were not apprehended and until now have eluded arrest.

For his part, accused Jesus Valdez categorically denied participation in the commission of the crime. He averred that at the time of the incident he was drinking at Barangay Pinoma with Eduardo de la Cruz, Kalbo Abubu and Fernando Valdez.^[12] to strengthen his defense, he called on SPO2 Mario C. Madriaga to testify in his behalf. According to SPO2 Madriaga, on 18 February 1996 he took the statement of Flordeliza S. Golocan at the Cauayan District Hospital where she stated that she was only able to recognize accused-appellant as one of her family's four (4) assailants and Jesus Valdez was not identified as one of them.^[13]

On 29 October 1996 the Regional Trial Court acquitted accused Jesus Valdez for failure of the prosecution to prove his guilt beyond reasonable doubt. The trial court however convicted accused-appellant Antonio Abubu of the crime of murder complexed with multiple frustrated murder and sentenced him to suffer the supreme penalty of death. The trial court further ordered accused-appellant to pay the heirs of Julius Golocan ₱50,000.00 as compensatory damages, ₱200,000.00 as moral damages, ₱20,000.00 for funeral expenses, and ₱27,000.00 as reimbursement for the survivors' medical expenses.^[14] His case is now before us on automatic review pursuant to Art. 47, 2nd par., of the Revised Penal Code as amended.

Two (2) important issues need to be addressed. First, whether the court *a quo* erred in finding accused-appellant Antonio Abubu alias "Boy Valdez" guilty beyond reasonable doubt of the complex crime of murder with multiple frustrated murder. Second, whether the court *a quo* correctly sentenced him to death.

While we agree with accused-appellant that he should not be convicted of the complex crime of murder with multiple frustrated murder, we cannot agree with his contention that his guilt was not proved beyond reasonable doubt.

Flordeliza S. Golocan positively identified accused-appellant as one of the assailants who shot her and her entire family. She declared that she knew accused-appellant because they used to hire him to spray their ricefields, get cogon grass for tying seedlings and spread the seedlings in their farm. She claimed that he even slept in their house.^[15] As the court *a quo* had the unique opportunity to observe Flordeliza's demeanor on the stand, we find no reason to disturb its finding on her credibility. Verily, criminals are convicted not on the number of witnesses against them but on the credibility of the testimony of even one witness who is able to convince the court of the guilt of the accused beyond a shadow of doubt.^[16]