

FIRST DIVISION

[G.R. No. 122101, April 30, 1999]

**PEOPLE OF THE PHILIPPINES, PLAINTIFF-APPELLEE, VS.
GODOFREDO MARFIL, ACCUSED-APPELLANT.**

D E C I S I O N

PARDO, J.:

Submitted before us is the decision^[1] of the Regional Trial Court, Branch 17, Kidapawan, Cotabato^[2], convicting accused GODOFREDO MARFIL of **multiple murder** committed against Merlinda (age 15), Marivel (age 9), Jurry^[3] (age 6) and Jenaline^[4] (age 5), and **multiple frustrated murder** against Joel (age 14), Marivic (age not found on record) and Jennifer (age 3), all surnamed Melancio. The court sentenced Marfil to suffer four (4) penalties of *reclusion perpetua* for the four murders and to an indeterminate penalty of four (4) years, two months and one (1) day of *prision correccional*, as minimum, to eight (8) years and one (1) day of *prision mayor*, as maximum, and to pay the heirs of the eight victims in the amount of P50,000.00 each.^[5]

The Case

On August 19, 1991, 2nd Assistant Prosecutor Alfonso B. Dizon, Jr. of Cotabato filed with the RTC Branch 17, Kidapawan, an Information charging accused Godofredo Marfil, Lopito Marfil and Gomer^[6] Marfil with multiple murder and multiple frustrated murder as follows:

"INFORMATION

"The undersigned accuses GODOFREDO (GODING) MARFIL, LOPITO (PITO) MARFIL AND OMER MARFIL, of the crime of MULTIPLE MURDER WITH MULTIPLE FRUSTRATED MURDER, committed as follows:

"That at around 7:00 and 8:00 o'clock in the evening of April 29, 1988, at Barangay Binay, municipality of Magpet, Province of Cotabato, Philippines, the above-named accused, conspiring, confederating together and mutually helping one another, armed with carbine and two (2) M-14 rifles, with intent to kill, with treachery, did then and there, willfully, unlawfully and feloniously straff (sic) and fire at the house of CIRILO MELANCIO, which house was then occupied by said CIRILO MELANCIO and members of his family, that as a result, hitting and inflicting fatal gunshot wounds in the different parts of the body of the children of said CIRILO MELANCIO, namely: MERLINDA, MARIVEL, JURRY (DIORY) and JINALINE (DIONILYN) all surnamed Melancio, which resulted to their instantaneous death; That on the same occasion the other

children, namely: JOEL, MARIVIC and JENNIFER were also hit in the different parts of the body, which injuries would have caused their death if not of the timely and able medical intervention rendered to said victims, which saved their life (sic).

"CONTRARY TO LAW, with further aggravating circumstance of evident premeditation.

"Kidapawan, Cotabato, Philippines, July 25, 1991."^[7]

The Facts

As they were having supper, at their house at Barangay Binay, Magpet, Cotabato around 7:00 to 8:00 p.m. of April 29, 1988, Godofredo Marfil, together with his sons Lopito (a member of the 27th Infantry Battalion)^[8] and Gomer, approached the house and called for Cirilo. Accused-appellant said "Loy, abrihi ang pultahan kay dugay na ko nauhaw" (Loy, open the door because I want to drink. I am thirsty.) The family peeped through the window and saw one of the accused armed with an armalite, the other with a carbine, and another with M-14. The brightness of the moon made it possible for them to see the accused that night.^[9]

They did not open the door and turned the lights off because of fear. When Cirilo took another peek through the cracks in the wall, he noticed that the three accused walked back five meters from the house. Cirilo anticipated a strafing, so he ordered his children to get down on the floor as he and his wife dived under the table. Children as they were, most were not able to get down at once when the firing started.^[10] Thus, Merlinda's cranium was blown off; Marivel was hit on her side expelling her visceral organs out of her small body; Jurry was hit on the neck and below the armpit causing her limbs to be dismembered; Jenalyn's vertebral column was severely cut; Joel got hit on his right gluteus (buttocks); Marivic on her upper right clavicle, and Jennifer on her feet. The spouses remained unscathed.^[11]

The accused then fired at and killed the Melancios' pig. Accused Godofredo said that the pig was for their funeral.^[12]

Due to timely medical attention, Joel, Marivic and Jennifer survived. The rest of the children died instantly. With the help of the neighbors, the corpses were placed on a carabao cart and brought to a chapel, while those who were still alive were rushed to the hospital late in the evening.

The Conviction

After due trial, on August 15, 1994, the trial court^[13] rendered judgment, the dispositive portion of which reads:

"WHEREFORE the Court finds the accused GODOFREDO (GODING) MARFIL - GUILTY BEYOND REASONABLE DOUBT as co-principals by direct participation of the murders of MERLINDA, MARIVEL, JURRY (DIORY) and JINALYN all surnamed MELANCIO, and three frustrated murders of JOEL, MARIVIC, and JENNIFER. He is hereby sentenced to suffer "Four Reclusion Perpetuas for the 4 murders and to an indeterminate penalty of