

SECOND DIVISION

[G.R. No. 118423, June 16, 1999]

**PEOPLE OF THE PHILIPPINES, PLAINTIFF-APPELLEE, VS.
CESARIO SANCHEZ @ "SATUR", REMEGIO JOSE @ "OSING",
RODRIGO ABAYAN @ "LUDRING", FEDERICO ROBIÑOS @
"RICO", GAUDENCIO CONTAWA @ "GODING", ACCUSED-
APPELLANTS.**

DECISION

QUISUMBING, J.:

This is an appeal from the Decision^[1] dated September 29, 1994, of the Regional Trial Court of Villasis, Pangasinan, Branch 50, in Criminal Case No. V-0092 finding appellants Cesario Sanchez, Remegio Jose, Rodrigo Abayan, Federico Robiños, and Gaudencio Contawe guilty of the crime of Murder and sentencing each of them to suffer the penalty of *reclusion perpetua* and to pay the heirs of the victim Hilario Miranda jointly and severally, the sum of P50,000.00 as indemnity, the amount of P38,000.00 as actual damages, the amount of P100,000.00 as moral damages, and attorney's fees (for the private prosecutor) in the amount of P10,000.00.

The five (5) appellants, Cesario Sanchez, Remegio Jose, Rodrigo Abayan, Federico Robiños, and Gaudencio Contawe, are all farmers and residents of Villasis, Pangasinan. They are townmates of the victim, Hilario Miranda, who was the incumbent barangay captain at the time of the stabbing incident.

The prosecution's evidence reveals that on November 23, 1986, Hilario Miranda, together with Rene Alegre, Jessie Pajimola, Romulo Marquez, Freddie Miranda, Eladio Miranda and several others, went to his fishpond to celebrate the birthday of his daughter, Grace. At around 5:00 o'clock in the afternoon, Hilario Miranda and his companions headed home to Barangay Villanueva, Bautista, Pangasinan.^[2] When the group reached the provincial road at Barangay Villanueva, appellant Sanchez blocked the middle of the road^[3] while the other appellants Jose, Contawe, Abayan, Robiños, and Callo were some twenty (20) to twenty-five (25) meters behind him.^[4] Contawe, Robiños, and Callo were holding their bolos; Jose had his bolo sheathed on his shoulder, while Abayan was holding two (2) fist-size stones.^[5] Appellant Sanchez confronted Hilario Miranda about his accusation that Sanchez was stealing ipil-ipil wood and fish.^[6] Thereafter, an argument ensued. Prosecution witness Marquez testified on said incident as follows:^[7]

CROSS-EXAMINATION OF PROSECUTION WITNESS ROMULO T. MARQUEZ BY ATTY.
BENJAMIN RAFAEL

Q: What was the argument about?

A: As far as I could recall, the barangay captain have (sic) known that Cesario Sanchez was stealing firewoods and fish during nighttime and when Cesario Sanchez met the barangay captain what I heard was that, in Ilocano: "*Apay ngay, Capitan ta pabpabasolennak nga agtaktakaw ti ipil-ipil yo ken lames?*" (Why is it, Captain, that you are blaming me of stealing ipil-ipil firewood and fish?)

Q: Were those the first words uttered by Cesario Sanchez when he met the Barangay Captain?

A: Yes, Your Honor.

Q: What was the reaction of the barangay captain when Cesario Sanchez said those words?

A: There was an immediate argument, Your Honor.

Q: What did he (victim) say?

A: The barangay captain answered, "*Agpaypayso met nga agtaktakaw ka ti ipil-ipil ken agtiltiliw ka ti lames.*" ("It is also true that you are stealing ipil-ipil woods and you are catching fish.")

Renato Alegre, Miranda's son-in-law, tried to pacify Miranda by saying "that is enough, Manong."^[8] As the argument between Sanchez and Miranda heated up, Sanchez moved back towards his companions Jose, Callo, Robiños, Contawe and Abayan, who then encircled the group of the victim in such a way that nobody could move.^[9] Freddie Miranda, the victim's son, asked Abayan who was then holding two stones^[10] "[w]hy are you stoning us?".^[11] Abayan replied, "You from the east are boastful."^[12] Jose went near one of the victim's companions (Jessie Pajimola) and told her in the Ilocano dialect "*Saan kayo nga makiramraman*" ("Don't interfere").^[13] Jose passed by the back of Hilario Miranda and nodded at Sanchez. Upon seeing the signal, appellant Sanchez pulled a knife from the sleeve in his left arm^[14] and stabbed the victim in the stomach.^[15] Freddie Miranda, the son of the victim, tried to chase Sanchez but he (Freddie) was blocked by appellant Jose who was holding his bolo in a striking position and who told him "*Saan mo nga itultuloy ta sica ti sumaruno*" (Don't continue or else you will be the next).^[16] The other appellants were also holding their bolos in a striking position.^[17] Hence, Freddie had no choice but to return to his father who was badly hurt but valiantly trying to remain standing. Freddie pulled out the weapon from his father's stomach. The weapon was later turned over to Pfc. Rodolfo Tagulao, Jr., member of the Integrated National Police of Bautista, Pangasinan.^[18] Freddie Miranda and Renato Alegre hailed a passing tricycle and brought the victim to the hospital. Unfortunately, the victim died along the way.

On September 1, 1987, 3rd Assistant Provincial Fiscal Jaime V. Veniegas charged Cesario Sanchez, Remegio Jose, Rodrigo Abayan, Federico Robiños, Eugenio Contawe, and Basilio Callo with the crime of Murder under the following Information:^[19]

The undersigned hereby accuses REMEGIO JOSE @ "GODING", RODRIGO ABAYAN @ "LUDRING", FEDERICO ROBIÑOS @ "RICO", GAUDENCIO CONTAWA @ "GODING" of the crime of MURDER committed as follows:

"That on or about the 23rd day of November 1986, in the afternoon, at Barangay Villanueva, Municipality of Bautista, Province of Pangasinan, Philippines, and within the jurisdiction of this Honorable Court, the above-named accused together with CESARIO SANCHEZ @ "SATUR" and BASILIO CALLO who are still at-large, conspiring, confederating and mutually helping one another, did then and there with intent to kill and with treachery and evident premeditation, wilfully, unlawfully and feloniously attack, assault and strike HILARIO MIRANDA thereby inflicting upon him the following wounds:

" x x x

- Stabbed wound, about 3.5 cm., bleeding, midaxillary line, left, subcostal border, 19 cm. deep.

x x x

which wounds directly caused the death of said Hilario Miranda.

Contrary to Art. 248 of the Revised Penal Code.

Villasis, Pangasinan, September 1, 1987."

Of the six (6) accused, only four (4) were initially arrested and brought to trial, namely Rodrigo Abayan, Gaudencio Contawe, Federico Robiños, and Remegio Jose. Accused Basilio Callo eluded arrest and remains at-large up to present. Before promulgation of sentence, appellant Cesario Sanchez was arrested on March 26, 1991. The trial court suspended promulgation of sentence pending trial of appellant Cesario Sanchez.

Upon arraignment, the four (4) appellants Abayan, Contawe, Robiños and Jose, duly assisted by respective counsels, entered a plea of "not guilty." Appellant Sanchez later entered a plea of "not guilty."

During trial, the prosecution presented six (6) witnesses: (1) Dr. Nestor C. Pascual, Municipal Health Officer of Bautista, Pangasinan; (2) Cpl. Abdiel Agustin of the INP of Bautista, Pangasinan; (3) Freddie C. Miranda, the victim's son; (4) Romulo T. Marquez; (5) Jessie C. Pajimola; and (6) Mrs. Rufina C. Miranda, the victim's widow.

Dr. Nestor C. Pascual, the Municipal Health Officer of Bautista, Pangasinan, testified that he performed a post-mortem examination on the cadaver of Hilario Miranda and found the cause of death to be "cardiorespiratory failure due to hypovolemic shock" resulting from the bleeding wound due to the "stab wound."^[20]

Cpl. Abdiel Agustin testified that he conducted the investigation of the death of Hilario Miranda upon a report given by OIC Police Corporal Amado Santiago.^[21] He identified the weapon (Exhibit "F") which was submitted on the night of November 23, 1986 to Patrolman Rodolfo Tagulao Jr., another member of the INP-Bautista,

Pangasinan. He testified that he attempted to contact the suspects (appellants Sanchez, Jose, Contawe, Abayan, Robiños and Callo), but despite diligent efforts, he could not locate them. He left word with their respective wives to come to the office (police station) for their statements, but they did not report to him. An informer later told him that appellants were all in hiding.^[22]

Romulo T. Marquez, one of the companions of the victim, testified that appellant Sanchez confronted the victim regarding the theft of some wood and fish, and thereafter, a heated argument ensued. Appellants surrounded their group and Sanchez stabbed the victim in the stomach. He drew a sketch of the relative positions of the assailants and the victim.^[23] His testimony was corroborated by the testimonies of Freddie Miranda and Jessie Pajimola.

Rufina C. Miranda testified that her husband was earning an income of P100,000.00 per annum derived from the fishpond, agricultural land holdings and employment with National Irrigation Authority (NIA), and that she spent a total of P38,000.00 as funeral expenses.^[24]

On the other hand, the defense presented Alberto Parcasio and Pedro Soriano as common witnesses. The four (4) appellants, Abayan, Robiños, Contawe and Jose testified on their behalf, while appellant Sanchez likewise took the stand on his behalf.

Alberto Parcasio testified that while he was taking care of his granddaughter in his yard (some 15 meters from the incident), he saw Sanchez stab the victim and then run away. He claimed that he did not see appellants Abayan, Robiños and Contawe within the vicinity of the crime but only saw them after the victim was already loaded in the tricycle. He only saw appellant Jose half an hour after the incident.^[25]

Pedro Soriano, a bystander, testified that while he was in the yard of appellant Contawe, he saw Hilario Miranda assault Sanchez after which Sanchez stabbed the victim. Soriano then entered his house because he became afraid of what was happening.^[26]

Appellants Abayan, Robiños and Contawe, testifying on their behalf, claimed that they were mere bystanders in the affray and that they were included in the complaint for the sole reason that they belonged to the Liberal Party, while the victim belonged to the rival Nationalista Party.^[27]

Appellant Abayan testified that while he was on the provincial road on the way to get his cow, from a distance of some 30 meters away, he saw Sanchez stab the victim on the stomach and then run away. He saw Freddie Miranda chase Sanchez while some people called for a tricycle. He denied holding two stones and attempting to throw them at the victim. He denied surrounding the group of the victim and claimed that he never saw Romulo T. Marquez in the vicinity of the crime. He further denied going into hiding after the incident.^[28]

Appellant Robiños testified that while he was pumping water in front of his house some thirty (30) meters from the incident, he saw Sanchez stab the victim in the stomach. He was afraid to get near because Freddie Miranda was holding the knife

and might run amuck. He claims he was included in the complaint because he failed to support the victim's candidacy during the previous elections.^[29]

Appellant Contawe testified he was with Pedro Soriano, watching over his grandchildren in his house some fifteen (15) meters away from the incident when he saw Sanchez stab the victim in the stomach.^[30] Then he saw Sanchez run to his (Sanchez') house some twenty (20) meters away.^[31] He claimed that he was included in the complaint because he refused to support the candidacy of the victim in the previous elections.^[32]

Appellant Jose testified that while he was cooking in the kitchen, he heard a woman's voice saying "Ay *Natayen*" ("Somebody died"). He went out and saw the victim being held by the latter's son-in-law. He asked Freddie Miranda what happened, and the latter told him to get a ride. After the victim was loaded on the tricycle, he then returned to his cooking. He denied the testimonies of Freddie Miranda, Jessie Pajimola and Romulo Marquez that he was one of those who surrounded the victim and his companions and that he was the one who gave the signal to Sanchez to stab the victim.^[33]

The prosecution presented Cpl. Rodolfo Tagulao of the INP-Bautista, Pangasinan, and Romulo T. Marquez as rebuttal witnesses.

Cpl. Rodolfo Tagulao, warrant officer of the INP-Bautista, Pangasinan, testified that he attempted to serve the warrant of arrest on appellants by going to their respective residences four times but he failed to apprehend any of the appellants. When an alias warrant of arrest was issued by the Regional Trial Court, appellants appeared before him and informed him that they had already posted their respective bail bonds.^[34]

On May 4, 1989, the prosecution filed its Formal Offer of Evidence which was duly admitted by the court.

On March 26, 1991, appellant Sanchez was arrested by the police. Trial as to him commenced, and he called prosecution witness Dr. Nestor Pascual and defense witness Alberto Parcasio as his witnesses, who reiterated their earlier testimonies. Appellant Sanchez, testifying on his behalf, admitted that he stabbed Miranda, but claimed that it was in self-defense. He testified that while he was on his way to Obillo to thresh palay, he was met by the victim and his companions who were drunk. The victim commanded his companions to maul him because he (Sanchez) voted for Cory (Aquino) in the last presidential elections. He tried to evade them but somebody met him and the victim's group surrounded him.^[35] The victim boxed him three times and ordered his (the victim's) son to get the gun. It was then that he turned around and stabbed the victim with his bolo.^[36] He then ran away and spent the night in the ricefields.^[37] He claimed that he did not see any of his co-accused at the *locus criminis*.^[38]

On September 29, 1994, the trial court rendered a decision^[39] finding all appellants, except Callo who remains at-large, guilty of Murder. The dispositive portion of the decision states: