

## EN BANC

[ G.R. No. 115835-36, July 22, 1998 ]

**PEOPLE OF THE PHILIPPINES, PLAINTIFF-APPELLEE, VS.  
VERIATO MOLINA, RUBEN MOLINA, GREGORIO GAJAS,  
CASIMIRO (A.K.A. "QUINTIN") CASTILLO, JESUS ARIOLA, "JOHN  
DOE," "RICHARD DOE," "MICHAEL DOE" AND "MARK DOE,"  
ACCUSED. VERIATO MOLINA AND RUBEN MOLINA, ACCUSED-  
APPELLANTS.**

### DECISION

#### PANGANIBAN, J.:

While affirming the conviction of accused-appellants for the murder of the late Mayor Bonifacio Uy, the Court applies in their favor Republic Act No. 8294,<sup>[1]</sup> which amended PD No. 1866. Under the new law, the use of an unlicensed weapon in the commission of homicide or murder is considered simply as an aggravating circumstance and no longer a separate offense. Thus, said law effectively modified our ruling in *People vs. Quijada*,<sup>[2]</sup> in which we held that the use of an unlicensed firearm in a killing results in two separate crimes -- one, for the aggravated form of illegal possession of firearm and, two, for homicide or murder.

#### The Case

A shooting incident, reportedly between two political factions, resulted in the death of a town mayor, a *Sangguniang Bayan* member and two others; and the wounding of at least six other persons. This was the subject of the two Informations filed by Senior State Prosecutor Nilo C. Mariano before the Regional Trial Court of Ilagan, Isabela, against Veriato Molina, Ruben Molina, Gregorio Gajas, Casimiro Castillo, Jesus Ariola and four "Does."

The first Information,<sup>[3]</sup> dated January 31, 1990, charged the above accused with multiple murder and multiple frustrated murder<sup>[4]</sup> allegedly committed as follows:

"That on or about the evening of August 14, 1989, at Barangay San Antonio, Municipality of Ilagan, Province of Isabela, a place within the jurisdiction of this Honorable Court, aforementioned persons, conspiring, confederating and mutually helping one another, wilfully, unlawfully and feloniously, with intent to kill, treachery, abuse of superiority, and with the aid of armed men, and of nocturnity, did then and there assault and shoot Mayor Bonifacio Uy, Municipal Councilor (Sangguniang Bayan Member) Antonio Manaligod, Jaime Vargas, and Policarpio Estrada, with a cal. 38 revolver, cal. 30 garand rifle, and armalite rifles (M-14s and M-16s), thus inflicting gunshot wounds on vital parts of their heads and bodies, back and front, which caused their deaths as a consequence, and

the serious wounding of MANUEL MARIANO, ANDRES FIGAROLA, MOISES DE LA CRUZ and WILMA ACIERTO, on the vital parts of their bodies, which ordinarily would cause their deaths, thus performing all the acts of execution which should have produced the crime of [m]ultiple [m]urder as a consequence thereof, but which, nevertheless, did not produce it by reason of causes independent of their will, that is, by the timely medical care rendered to Manuel Mariano, Andres Figarola, Moises de la Cruz, and Wilma Acierto, which prevented their deaths. In the case of Mayor Bonifacio Uy, even when dead or in the throes of death, he was still stabbed with a bladed weapon by said group, sustaining stab wounds at his back and abdomen resulting in the evisceration of the intestines[;] said acts were no longer necessary but were manifestations of cruelty and/or outraging or scoffing at his person or corpse.”

The other Information,<sup>[5]</sup> bearing the same date, charged the same accused with illegal possession and carrying of firearms and ammunitions outside their respective residences,<sup>[6]</sup> as narrated below:

“That on or about the evening of August 14, 1989, at Barangay San Antonio, Municipality of Ilagan, Province of Isabela, and within the jurisdiction of this Honorable Court, aforementioned persons, conspiring, and confederating with one another, had in their respective possessions the following firearms, to wit: Veriato Molina - an M-14 armalite rifle; Ruben Molina - a cal. 38 revolver; Gregorio Gajas, Casimiro Castillo and Jesus Ariola - M-16 armalite rifles; and John Doe, Richard Doe, Michael Doe, and Mark Doe - M-16 armalite rifles and a cal. 30 garand rifle, which were loaded with their corresponding ammunitions, without the necessary license and/or authority to possess and carry the said firearms and ammunitions outside their residence issued by the corresponding government authorities, and which they used in the shooting and killing of Mayor Bonifacio Uy, Municipal Councilor (Sanggunian Member) Antonio Manaligod, Jaime Vargas, and Policarpio Estrada, and the serious wounding of Manuel Mariano, Andres Figarola, Moises de la Cruz, and Wilma Acierto with intent to kill, treachery, abuse of superiority and with the aid of armed men and of nocturnity.”

Subsequently, the widows of the deceased victims filed with this Court a petition for transfer of venue.<sup>[7]</sup> They feared that the accused, who were political leaders of the provincial governor, would use such connection to influence the trial of the case. Said petition was favorably granted.<sup>[8]</sup> The Regional Trial Court of Pasay City, Branch 108, was assigned to continue with the joint trial of the cases. In a Decision<sup>[9]</sup> promulgated on June 3, 1994, the charges were disposed by the court a quo as follows:<sup>[10]</sup>

“WHEREFORE, considering all the foregoing, judgment is hereby rendered as follows:

#### A. FOR CRIMINAL LIABILITY

1. Acquitting accused Gregorio Gajas, Casimiro (a.k.a. 'Quintin') Castillo, and Jesus Ariola for failure of the prosecution to prove the case against them beyond reasonable doubt, in both cases.

2. In Criminal Case No. 1287 for [m]ultiple [m]urder and [f]rustrated [m]urder, finding accused Ruben Molina and Veriato Molina guilty beyond reasonable doubt of [m]ultiple [m]urder for the death of the following: Mayor Bonifacio Uy, Councilor Antonio Manaligod, Civilian Security Officer Policarpio Estrada and Civilian Security Officer Jaime Vargas, and [f]rustrated [m]urder for the serious wounding of Andres Figarola, and sentencing them each to four (4) [r]eclusion [p]erpetua for the death of the four victims; [f]or [f]rustrated [m]urder committed on Andres Figarola, the two accused are sentenced to serve imprisonment of SIX (6) YEARS, ONE (1) MONTH and ELEVEN (11) DAYS to EIGHT (8) YEARS and TWENTY (20) DAYS of [p]rison [m]ayor.

3. In Criminal Case No. 1288 for [i]llegal [p]ossession of [f]irearm and [a]mmunition, this crime not having been absorbed by the earlier offense considering that illegal possession is covered by a special law while murder is a crime under the Revised Penal Code, Ruben Molina and Veriato Molina are both found guilty beyond reasonable doubt and sentenced to suffer a straight penalty of SEVENTEEN (17) YEARS, FOUR (4) MONTHS AND ONE (1) DAY of reclusion temporal.

4. There being four (4) perpetual penalties to be served by Ruben Molina and Veriato Molina, the maximum simultaneous service of sentence of each accused shall in no case exceed forty (40) years. (Article 70, RPC as amended by CA 217, threefold rule.)

5. The preventive imprisonment at Pasay City Jail [of] the two accused Ruben Molina and Veriato Molina shall be deductible.

#### B. FOR THE CIVIL LIABILITY

The death of the victims having been established beyond doubt as the result of the shooting, a wrongful act of the accused who conspired, all the widows are entitled to damages for the death of their respective husbands.

##### For MERCEDES QUA UY

She is entitled to receive P50,000.00 as indemnity for the death of her husband, Mayor Bonifacio Uy. She is likewise entitled to moral damages as his death was established beyond doubt as the result of shooting by the accused. The moral damages covers wounded feelings, mental anguish, moral shock which are the proximate result of the wrongful act or omission of accused (Art. 2217, Civil Code) and moral damages is assessed in the amount of P1,000,000.00, considering the [m]ayor's rank and the high regard the community has for him.

For COUNCILOR ANTONIO MANALIGOD, his widow or his heir is entitled to receive the amount of P50,000.00 as indemnity for the death of the councilor, and P500,000.00 as moral damages.

For Mrs. ANGELITA ESTRADA and Mrs. SALVACION VARGAS, widows of the two

civilian security agents of Mayor Bonifacio Uy, the amount of P50,000.00 each for the death of their respective husbands. Each of the widows is also entitled to receive as moral damages from the accused the amount of P250,000.00.

All the widows/heirs are also entitled to P15,000.00 each as funeral expenses, all of the victims having been buried in Isabela.

#### For ANDRES FIGAROLA

Both accused, Ruben Molina and Veriato Molina shall solidarily be liable to Andres Figarola in the amount of P50,000.00 moral damages and P50,000.00 exemplary damages.

Both accused to pay costs of suit.

The two accused, Ruben Molina and Veriato Molina, were charged with [m]ultiple [m]urder which are capital offenses. They were allowed to bail out after the prosecution submitted the motion to bail with no sufficient evidence yet proving that their guilt [was] strong, such that this Court ruled in favor of accused's temporary liberty conditioned on the posting of a bond in the amount of P150,000.00 each, in cash. Now that a conviction has been rendered finding them both guilty beyond reasonable doubt of the charge of [m]ultiple [m]urder, they are no longer entitled to bail as a matter of right.

'The basic governing principle on the right of the accused to bail is laid down in Section 3 of Rule 114 of the 1985 Rules on Criminal Procedure, as amended, which provides:

'Sec. 3. Bail, a matter of right; exception. -- All persons in custody shall before final conviction, be entitled to bail as a matter of right, except those charged with a capital offense or an offense which, under the law at the time of its commission and at the time of the application for bail, is punishable by reclusion perpetua, when the evidence of guilt is strong.'

'Pursuant to the aforecited provision, an accused who is charged with a capital offense or an offense punishable by reclusion perpetua, shall no longer be entitled to bail as a matter of right even if he appeals the case to this Court since his conviction clearly imports that the evidence of his guilt of the offense charged is strong.'

'Accused Belarmino Divina was convicted by the Regional Trial Court of the crime of murder which is an offense punishable by reclusion perpetua. Pursuant to SC Administrative Circular No. 2-92, he is no longer entitled to bail even if he appeals to us since his conviction clearly imports that the evidence of his guilt is strong.' (People vs. Divina, SCRA 221, p. 223, April 7, 1993.)

The Jail Warden, Pasay City Jail, is now directed to detain the two and to deliver them to the Bureau of Correction immediately with escorts."

### **The Facts**

#### **Version of the Prosecution**

Evidence for the prosecution consists of testimonies of seventeen witnesses and nearly forty principal exhibits. Part of the trial court's summary of the facts reads:

"ROLANDO DREZA testified that as one of the civilian security officers of the deceased/victim Mayor Bonifacio Uy, he reported for work on August 14, 1989 at 7:00 in the morning. He was in the office when the Mayor received an invitation to administer the oath of the new officers of the Parents-Teachers Association at the Agro Industrial School in Barangay San Antonio, Ilagan, Isabela. The [m]ayor consented and left the office at 11:00 o'clock a.m. with Councilor Antonio Manaligod, DILG Officer Potenciano Tabije and four (4) civilian security men -- Policarpio Estrada, Rolando Dreza, Rodolfo Bunagan and Jaime Vargas. They had lunch upon arrival at the school. Later, at 3:00 o'clock p.m., the program started right in front of the school and this lasted [until] 5:00 o'clock p.m., followed by some socializing and food and drink session, singing and guitar playing. They ended at about 10:30 o'clock p.m. Barangay Captain Veriato Molina invited the Mayor to a funeral wake in the house of Ventura Hernandez, about 200 meters from the school. Mayor Uy obliged, and with Councilor Manaligod, Mr. Tabije, Barangay Capt. Molina and other officials of the PTA, followed by the Mayor's civilian security men, proceeded to the wake, walking. Their vehicle, the NISSAN 4 x 4, was attended to by Bunagan.

When the [m]ayor and Barangay Captain Veriato Molina arrived, Ruben Molina (another accused and uncle of Veriato) was already there. He and the [m]ayor greeted each other before the [m]ayor entered the house where the body of the girl was lying in state. When he came out, he (the [m]ayor) joined Ruben Molina. The two conversed[;] Dreza heard Ruben Molina's remark: 'Pare, ang saya-saya ninyo sa eskwelahan', and the [m]ayor's answer, 'Ikaw kasi, wala ka roon'. Dreza also heard 'Wala na bang natira' from Ruben (which Dreza assumed refer[red] to the drinks). To this the [m]ayor replied, 'If you want, let's buy some more' (in Tagalog) but Ruben assured he [would] take care, requested Veriato to buy. Veriato left and returned 30-40 minutes later, with bottles. Veriato was seen whispering to Ruben before leaving the place.

Ruben opened the bottle, took one shot, followed by the [m]ayor who also took one shot. The conversation grew heated, but Dreza opined it was because they (Ruben and the [m]ayor) had a previous standing grudge against each other.

The further questions and answers, in the direct examination conducted by Private Prosecutor Mario Ongkiko on [W]itness Rolando Dreza on January 8, 1992, follows:

(TSN, January 8, 1992, pp. 47-48.)"

**'Atty.Ongkiko:**

**Q** And when the conversation became heated will