

THIRD DIVISION

[G.R. Nos. 121631-36, October 30, 1998]

**THE PEOPLE OF THE PHILIPPINES, PLAINTIFF-APPELLEE, VS.
EDGARDO GREFALDIA, ACCUSED-APPELLANT.**

D E C I S I O N

ROMERO, J.:

Accused-appellant Edgardo Grefaldia seeks the reversal of the decision^[1] dated November 10, 1994, of the Regional Trial Court of Gumaca, Quezon, Branch 61,^[2] in Criminal Case Nos. 3297-G, 3298-G, 3299-G, 3300-G, 3301-G, 3302-G, convicting him of six counts of the crime of murder and sentencing him to suffer the penalty of six reclusion perpetua and to indemnify the heirs of the deceased in the amount of P50,000.00 each.

The Informations filed before the trial court which charged accused-appellant with the crime of murder read as follows:

Criminal Case No. 3297-G

"That on or about the 18th day of October 1988, at Barangay de la Paz, Municipality of Buenavista, Province of Quezon, Philippines, and within the jurisdiction of this Honorable Court, the above-named accused, armed with an armalite rifle, with intent to kill, with treachery and evident premeditation, did then and there wilfully, unlawfully, and feloniously attack, assault, and shot with the said firearm one Juan Labatete, hitting the latter on the different parts of his body, which directly caused his death.

That the accused attacked, assaulted and shot said Juan Labatete suddenly and unexpectedly without giving the latter any opportunity to defend himself or to escape.

Contrary to law."^[3]

Criminal Case No. 3298-G

"That on or about the 18th day of October 1988, at Barangay de la Paz, Municipality of Buenavista, Province of Quezon, Philippines, and within the jurisdiction of this Honorable Court, the above-named accused, armed with an armalite rifle, with intent to kill, with treachery and evident premeditation, did then and there wilfully, unlawfully and feloniously attack, assault and shot with the said firearm one Maria Labatete, hitting the latter on the different parts of her body, which directly caused her death.

That accused attacked, assaulted and shot said Maria Labatete suddenly and unexpectedly without giving the latter any opportunity to defend herself or to escape.

Contrary to law."^[4]

Criminal Case No. 3299-G

"That on or about the 18th day of October 1988, at Barangay de la Paz, Municipality of Buenavista, Province of Quezon, Philippines, and within the jurisdiction of this Honorable Court, the above-named accused, armed with an armalite rifle, with intent to kill, with treachery and evident premeditation, did then and there wilfully, unlawfully and feloniously attack, assault and shot with the said firearm one Rolando Ceda, hitting the latter on the different parts of his body, which directly caused his death.

That the accused attacked, assaulted and shot said Rolando Ceda suddenly and unexpectedly without giving the latter any opportunity to defend himself or to escape.

Contrary to law."^[5]

Criminal Case No. 3300-G

"That on or about the 18th day of October 1988, at Barangay de la Paz, Municipality of Buenavista, Province of Quezon, Philippines, and within the jurisdiction of this Honorable Court, the above-named accused, armed with an armalite rifle, with intent to kill, with treachery and evident premeditation, did then and there wilfully, unlawfully and feloniously attack, assault and shot with the said firearm one Jesus Labatete, hitting the latter on the different parts of his body, which directly caused his death.

That the accused attacked, assaulted and shot Jesus Labatete suddenly and unexpectedly without giving the latter any opportunity to defend himself or to escape.

Contrary to law."^[6]

Criminal Case No. 3301-G

"That on or about the 18th day of October 1988, at Barangay de la Paz, Municipality of Buenavista, Province of Quezon, Philippines, and within the jurisdiction of this Honorable Court, the above-named accused, armed with an armalite rifle, with intent to kill, with treachery, and evident premeditation, did then and there wilfully, unlawfully and feloniously attack, assault and shot with the said firearm one Tomasa Camacho, hitting the latter on the different parts of her body, which directly caused her death.

That the accused attacked, assaulted and shot said Tomasa suddenly and unexpectedly without giving the latter any opportunity to defend herself or to escape.

Contrary to law."^[7]

Criminal Case No. 3302-G

"That on or about the 18th day of October 1988, at Barangay de la Paz, Municipality of Buenavista, Province of Quezon, Philippines, and within the jurisdiction of this Honorable Court, the above-named accused, armed with an armalite rifle, with intent to kill, with treachery and evident premeditation, did then there wilfully, unlawfully and feloniously attack, assault and shot with the said firearm one Rogelio Maligaya, hitting the latter on the different parts of his body, which directly caused his death.

That the accused attacked, assaulted and shot said Rogelio Maligaya suddenly and unexpectedly without giving the latter any opportunity to defend himself or to escape.

Contrary to law."^[8]

The six cases for murder were jointly tried. The evidence for the prosecution shows that on October 18, 1988, Domingo Camacho was in the house of his daughter, Maria Merly Camacho Labatete and her husband, Juan Labatete at Villa Batabat, Brgy de la Paz, Buenavista, Quezon, together with Jesus Labatete, the father of Juan; Rogelio Maligaya, the son-in-law of Jesus, Rolando Ceda, his son-in-law, and his wife, Tomasa Camacho. After partaking of their dinner and while guzzling beer, Domingo heard gunshots fired at the house. He then saw accused enter the house and Jesus asked why the accused was shooting at them. Without any response, the accused with his armalite rifle, shot and killed Jesus, Juan, Maria Merly, Tomasa, Rolando, and Rogelio one after the other. Domingo further testified that in order to survive, he pretended to be dead. After the accused fired at all of the victims, he left the house. Domingo waited for a while until he was certain that the accused had gone, and thereafter went to fetch his grandson. They then went to the house of Eduardo Labatete located only few meters away from the house where the killings took place. Domingo, in his testimony, positively identified the accused, Edgardo Grefaldia, as the perpetrator of the grisly crime against his family. He testified that he was certain that it was the accused since he knew the latter since childhood.^[9] He further testified that the accused has a motive for killing his family since the spouses Labatete filed a criminal case for rape and robbery against him.^[10]

Eduardo Labatete, the brother of one of the victims - Juan Labatete, testified that on October 18, 1988, he was in his house at Brgy de la Paz, Buenavista, Quezon, ten meters away from the house of spouses Maria Merly and Juan, where the killings occurred. He testified that at around eight o'clock in the evening, he heard gunshots but fearful for his life, he did not venture to step outside of the house. A few minutes later, when he peeped through the window, he saw the accused, Edgardo Grefaldia, with an armalite rifle, stepping out of the house of spouses Maria Merly