

## **NINTH DIVISION**

**[ CA–G.R. CR-HC No. 06671, March 12, 2015 ]**

**PEOPLE OF THE PHILIPPINES, PLAINTIFF-APPELLEE, VS. MARK  
ARCHIE BRINGAS Y BRIONES, ACCUSED-APPELLANT.**

### **D E C I S I O N**

**DICDICAN, J.:**

This is an appeal from the Decision<sup>[1]</sup> rendered by Judge Francisco Dizon Paño of Branch 93 of the Regional Trial Court of the Fourth Judicial Region in San Pedro, Laguna ("trial court"), on June 5, 2013 in Criminal Case No. 09-7066-SPL convicting herein accused-appellant Mark Archie Bringas y Briones ("accused-appellant") of the crime of murder punishable under Article 248 of the Revised Penal Code, as amended by Republic Act 7659, in an Information<sup>[2]</sup> which reads:

"That on or about March 25, 2009, in the Municipality of San Pedro, Province of Laguna and within the jurisdiction of this Honorable Court, the above named, conspiring and confederating with each other, with intent to kill, qualified by the aggravating circumstances of treachery, aid of armed men, taking advantage of superior strength and evident premeditation, did, then and there willfully, unlawfully and feloniously shot one ZEUS NAVARRO, JR., with a gun of unknown caliber, causing his instantaneous death, to the damage and prejudice of his surviving heirs.

"CONTRARY TO LAW."

Together with herein accused-appellant, Francis Bringas was likewise charged in the above-cited information.

Upon being arraigned of the charge against him, herein accused-appellant entered a plea of not guilty thereto on October 27, 2009<sup>[3]</sup>. Subsequently, a pre-trial was conducted on December 7, 2009 and was terminated on the same day<sup>[4]</sup>. A trial on the merits of said case ensued thereafter.

During the trial, the prosecution adduced in evidence the testimonies of the following witnesses: (1) Zeus Navarro, Sr. ("Zeus"), the father of the victim Zeus Navarro, Jr. ("Zeus, Jr."); (2) Salvador San Miguel ("Salvador"), a barangay tanod of Barangay San Vicente, San Pedro, Laguna; (3) Wendy Navarro ("Wendy"), sister of the victim herein; and (4) Dr. Roy Camarillo ("Dr. Roy"), a Police Superintendent and Medico Legal Officer assigned at the PNP Regional Crime Laboratory Office who conducted the necropsy examination on the cadaver of the victim.

For his part, the accused-appellant adduced in evidence his own testimony as well as the testimony of Mark Julius Leray ("Mark").

The facts as established by the evidence for the prosecution are as follows:

At around 4:00 o'clock in the afternoon of March 25, 2009, Salvador was in his house in Elvinda Village, San Pedro, Laguna when he heard four (4) gunshots. Salvador immediately went outside his house towards the gate to see what the noise was all about. At that instance, he saw two (2) men with a gun alighting from a tricycle which had crashed near a neighbor's gate. Salvador also saw the driver of the tricycle who was slumped in his seat. The tricycle driver was later identified as Zeus Navarro, Jr..

The two men who alighted from the tricycle were armed with a gun. The two men then proceeded walking towards Salvador's direction. For fear of his life, Salvador hid behind the post of the gate. He then reported the incident to the barangay through a radio.

Subsequently thereafter, Salvador approached the victim, Zeus, Jr., and asked him if he knew who his assailants were. Zeus, Jr., who was still conscious despite the gunshot wounds on the right portion of his neck, his right lower abdomen and right chest, responded that his passengers had shot him. Upon the arrival of the barangay mobile, the victim was immediately brought to the Divine Mercy Hospital.

Salvador was able to identify the two assailants as herein accused-appellant Mark Archie Bringas and Francis Bringas after several pictures were shown to him at the barangay hall. He first saw the two assailants at around 12:00 o'clock in the afternoon of March 25, 2009, while the two men were standing at the corner of Purple Crest and White Plains Streets in Pacita II, San Pedro, Laguna.

Dr. Roy, the medico-legal officer who conducted the autopsy upon the body of the victim, testified on the basis of the Medico-legal Report<sup>[5]</sup> which showed that deceased suffered four (4) gunshot wounds on different parts of his body, one on his neck and three (3) on his abdomen which were all fatal. According to the post mortem examination conducted upon the body of the victim, the cause of his death was cardio-respiratory arrest as a result of gunshot wounds of the neck and abdomen.

On the other hand, Wendy, the sister of the victim, testified that the untimely demise of his brother had caused them pain and anger. According to Wendy, their family incurred funeral and burial expenses as supported by the several receipts presented before the trial court.

For his part, the accused-appellant vehemently denied the accusations hurled against him by the prosecution and raised the defense of alibi.

He claimed that, at the time of the shooting incident on March 25, 2009 at around 4:00 o'clock in the afternoon, he was at his house located in Maligaya II, Brgy. San Vicente, San Pedro, Laguna.

The accused-appellant admitted that he knew the victim, Zeus, Jr., as the latter was allegedly the founder of Akrho Fraternity of which he was also a member. According to the accused-appellant, he only learned about the death of Zeus, Jr. from a fraternity brother on March 26, 2009. He claimed that he even attended the wake of Zeus, Jr., together with his other fraternity brothers.

The testimony of the accused-appellant seemed to be corroborated by the testimony of Mark. Mark, the accused-appellant's childhood friend and fraternity brother, testified that, at around 4:00 o'clock in the afternoon of March 25, 2009, he went to the accused-appellant's house and invited him to a drinking spree which the latter refused since his (accused-appellant) parents were purportedly there with him.

On the following day, or on March 26, 2009, a fraternity brother named Rico, allegedly informed Mark, together with the accused-appellant, Jessie Mar and Dennis about the death of Zeus, Jr.. They then allegedly had a meeting and scheduled their visit to Zeus, Jr's. wake. In the evening of the following day, Mark, together with the accused-appellant and other fraternity brothers, purportedly attended the wake of Zeus, Jr.

Finding that circumstantial evidence as well as the testimonies of the witnesses for the prosecution were more credible to prove that the accused-appellant was indeed guilty of murder, on June 5, 2013, the court *a quo* rendered the assailed Decision, the dispositive portion of which reads as follows:

"WHEREFORE, the Court hereby renders judgment finding accused Mark Archie Bringas y Briones guilty beyond reasonable doubt of the crime of MURDER and sentencing him to suffer the penalty of *reclusion perpetua*. He is also ordered to pay the heirs of Zeus Navarro, Jr., the amounts of P75,000.00 as civil indemnity, P75,000.00 as moral damages, P127,550.00 as actual damages, and P30,000.00 as exemplary damages.

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"SO ORDERED."

Aggrieved by the foregoing decision, herein accused-appellant interposed the instant appeal raising as lone error the following act purportedly committed by the trial court, to wit:

THE TRIAL COURT ERRED IN FINDING THE ACCUSED-APPELLANT GUILTY BEYOND REASONABLE DOUBT OF THE CRIME OF MURDER ALTHOUGH HIS GUILT WAS NOT PROVEN BEYOND REASONABLE DOUBT.

The primordial issue brought before this Court for resolution is whether the court *a quo* erred in convicting herein accused-appellant beyond reasonable doubt of the crime of murder.

After a careful and thorough review of the facts, law and issues of this case, we affirm the trial court's conviction of accused-appellant of the crime of murder.

The accused-appellant asserted that the prosecution failed to overcome the presumption of innocence in his favor and failed to establish with proof beyond reasonable doubt the essential elements which constituted the offense of murder.

Although no one witnessed the actual killing of Zeus, Jr., the trial court was correct in ruling that, although a witness may not have actually witnessed the very act of the commission of the crime, he may still be able to positively identify a suspect as the perpetrator, as when, for instance, the latter is the last person last seen with the

victim immediately before and right after the commission of the crime. Established facts that form a chain of circumstances can lead the mind intuitively or impel a conscious process of reasoning towards a conviction. Indeed, rules on evidence and principles in jurisprudence have long recognized that the accused may be convicted through circumstantial evidence<sup>[6]</sup>.

Based on the circumstantial evidence presented by the prosecution witnesses, after four gunshots were heard, there were two men who alighted from the tricycle where the victim was seen in the driver's seat, with multiple gunshot wounds, in the morning of March 25, 2009, one of whom was the accused-appellant. The accused-appellant and his companion were also seen with a gun while walking away from the scene of the crime. After the shooting, the victim was even able to inform Salvador that his assailants were his passengers. Lastly, upon autopsy on the cadaver of the victim, four fatal gunshot wounds were found which brought about his instantaneous death.

Thus, while no one directly saw the accused-appellant shoot the victim, we are satisfied that the circumstantial evidence in this case constituted an unbroken chain that leads to the logical conclusion that the accused-appellant is guilty of the murder of Zeus, Jr.. The combination of the circumstances is such as to leave no reasonable doubt as to his guilt, hence, the accused-appellant's conviction based on circumstantial evidence is justified.

In a futile attempt to discredit Salvador, the accused-appellant averred that Salvador failed to timely provide sufficient descriptions of the face and features of the gunman to the police considering that he had not really seen the gunman. Moreover, his identification of the perpetrators was supposedly based on the information given to him by his fellow barangay tanods. In other words, the accused-appellant was questioning the credibility of Salvador. For the accused-appellant, the lower court erred in relying on his testimony because his identification of the perpetrators of the crime was only on the basis of an alleged eyewitness named Marlyn. We disagree.

Well-settled is the rule that the positive identification of the accused – when categorical and consistent and without any ill motive on the part of the eyewitness testifying on the matter – prevails over alibi and denial which are negative and self-serving, undeserving of weight in law<sup>[7]</sup>.

In the present case, there is no doubt that Salvador's testimony positively identified the accused-appellant as the perpetrator of the crime. *First*, he heard gunshots originating from the vicinity outside of his house. *Second*, he had a clear view of the accused-appellant and his companion, as he was standing just forty steps from the tricycle. He saw them alighting from a tricycle where the victim was found slouched on the driver's seat. Since the culprits walked passed him, he was also able to see the appearance of the perpetrators of the crime as he even saw one of them with a gun. *Third*, the medico-legal's testimony and Medical Report corroborated Salvador's recollection of the specific details right after the commission of the crime – the gunshot wounds of the victim on the neck and the abdomen. It is important to note that a detailed testimony acquires greater weight and credibility when confirmed by autopsy findings<sup>[8]</sup>.

Aside from the fact that there is no rule that the suspect in a crime should be