

THIRTEENTH DIVISION

[CA-G.R. CR HC NO. 00812, September 21, 2006]

PEOPLE OF THE PHILIPPINES, PLAINTIFF-APPELLEE, VS. ROMEO SAMPONG Y GONZALES, RAUL SAMPONG Y GONZALES AND GENEROSO VALERIO Y PRODIGALIDAD, ACCUSED.

ROMEO SAMPONG Y GONZALES AND RAUL SAMPONG Y GONZALES, ACCUSED-APPELLANTS.

D E C I S I O N

CRUZ, J.:

For the slaying of Atty. Ariston Urcia (or "Atty. Urcia") and his children Maria Angela F. Urcia (or "Angela"), 15, and Adrian F. Urcia (or "Adrian"), 13, three informations for murder were filed against Romeo Sampong y Gonzales (or "Romeo"), Raul Sampong y Gonzales (or "Raul") and Generoso Valerio y Prodigalidad (or "Valerio") before the Regional Trial Court of Cavite (Cavite City, Branch 17), while for the wounds inflicted on Atty. Urcia's son Arvin Christian F. Urcia (or "Arvin"), 18, an information for frustrated murder was filed against Romeo, Raul and Valerio in the same court.

The informations for murder, docketed as Crim. Cases Nos. 407-2000, 408-2000 and 409-2000, are similarly worded except on the name of the victim. The information in Crim. Case No. 407-2000 pertinently reads:

"That on or about the 14th day of August 2000, in the Municipality of Rosario, Province of Cavite, Philippines, and within the jurisdiction of this Honorable Court, the above-named accused, conspiring, confederating and helping one another, armed with knives or bladed weapons, with intent to kill, with treachery and evident premeditation, did, then and there, wilfully, unlawfully and feloniously assault, attack and stab several times one ATTY. ARISTON URCIA y DIMAALA, inflicting upon him mortal wounds on the different parts of his body which caused his death, to the damage and prejudice of his heirs.

CONTRARY TO LAW."

The victims named in the informations in Crim. Cases Nos. 408-2000 and 409-2000 are Adrian and Angela, respectively.

On the other hand, the information for frustrated murder, docketed as Crim. Case No. 410-2000, in part, reads:

"That on or about the 14th day of August 2000, in the Municipality of Rosario, Province of Cavite, Philippines, and within the jurisdiction of this Honorable Court, the above-named accused, conspiring, confederating

and helping one another, armed with knives or bladed weapons, with intent to kill, with treachery and evidence (sic) premeditation, did, then and there, wilfully, unlawfully and feloniously assault, attack and stab several times one ARVIN CHRISTIAN F. URCIA, 18 years old, thereby inflicting upon him multiple wounds on the different parts of his body, thus performing all the acts of execution which would have produced the crime of murder as a consequence, but nevertheless did not produce it by reason of some causes independent of accused's will, that is, due to the immediate and effective medical assistance given to said Arvin Christian F. Urcia, which prevented his death, to his damage and prejudice.

CONTRARY TO LAW."

Upon arraignment, Romeo entered pleas of guilty to all the charges, whereas Raul and Valerio pleaded not guilty to the same charges.

Crim. Cases Nos. 407-2000 to 410-2000 were consolidated (order dated September 26, 2000) and were, therefore, tried jointly.

After trial, Valerio filed, with leave of court, a demurrer to evidence. In an order dated April 29, 2003, the trial court granted the demurrer to evidence and dismissed the cases as against Valerio.

The evidence for the prosecution is summarized by the Office of the Solicitor General (or "OSG"), as follows:

"On August 14, 2000, around 11:30 in the evening, Arvin Urcia was awakened when he heard his sister, Angela, screaming from the second floor of their house in Brgy. Sapa, Rosario, Cavite. He noticed that the two (2) doors leading to the back of their house were slightly open. On his way to the second floor, Arvin was met and stabbed in the chest by appellant Romeo Sampong, one of the caretakers of the next door farm owned by a certain Armando Gabriel; Arvin tried and succeeded to wrest the knife from Romeo. The latter immediately fled and climbed the perimeter fence at the back of the Urcia residence going to the farm. (TSN, March 12, 2001, pp. 16-17; 19-25) About the same time, Arvin's neighbor, Nida Laxamana, also heard Angela's screams. She also saw appellant Raul, another farm caretaker, running from the back door of the Urcia residence, and jumping over the fence going to the farm. After five (5) minutes, she likewise saw Romeo running and jumping towards the same direction. (TSN, March 21, 2001, pp. 6-11)

Meanwhile, Arvin rushed upstairs where he saw his sister Angela bathed in her own blood inside the bedroom. She was lying on the floor facedown. At the adjacent master bedroom, he saw his father, Atty. Ariston Urcia bleeding and lying on his back. His brother, Adrian, was on top of the bed also bleeding and vomiting. He shook his father but there was no response. He ran to the terrace of the master's bedroom and shouted for help. A number of neighbors immediately came to his aid and helped bring Atty. Urcia, Angela and Adrian to the Grace Hospital where they were pronounced dead on arrival. Arvin was also taken to Savior Hospital where his wounds were treated. (supra, pp. 26-27; 31-33)

In the following morning, police officers Fernando Garcia, Ricardo dela Cruz, and Jaime Rollan, together with a photographer and a number of neighbors proceeded to the farm at the back of Urcia residence where Nida Laxamana and Arvin saw appellants Romeo and Raul flee. Inside the quarters of Romeo and Raul, only around thirty (30) meters away from the Urcia residence, they found a pair of maong pants, checkered polo, several beer bottles, and a knife with an inscription 'Raul', all stained with blood. Thereafter, they went to the Urcia residence to take pictures of the bloodstained floors and bed. They also recovered another knife in the house. (TSN, March 19, 2001; pp. 13-19; 52-53; 61-67)

In the afternoon of the same day, Romeo Sampong surrendered in Camp Crame. He executed a *sinumpaang salaysay* where he completely exonerated Raul from any participation. He stated that he had an altercation with Arvin Urcia which led to a bloody chase in the Urcia residence. (TSN, February 17, 2003; p. 22) The police investigation, however, showed that both Romeo and Raul Sampong participated in the murder of the Urcia family.

Dr. Jocelyn Tigrol-Dignos, medical health officer of Rosario, Cavite, testified that Atty. Ariston Urcia sustained fourteen (14) stab wounds, a number of which punctured his lungs, heart and kidneys. Several wounds were also found in his arms, which, as observed by Dr. Dignos, were defense wounds from a struggle. (TSN, March 11, 2002, pp. 17-18) Angela likewise sustained fourteen (14) fatal wounds, while Adrain (sic) had six (6). (Id., p. 25) Dr. Dignos observed that the stab wounds of the victims were inflicted by two (2) different knives. (Id., pp. 48; 54-55). Arvin Urcia, on the other hand, sustained two (2) stab wounds in the left side of his chest and abdomen. (TSN, March 12, 2001, pp. 22-25)"

On the other hand, the evidence for the defense is synthesized by the trial court as follows:

"Accused Romeo Sampong took the witness stand and, consistent with his plea, admitted that he stabbed the victims. He testified that he has been residing at the house at San Andres Compound, Rosario, Cavite for more than a year. Together with his brother, accused Raul Sampong, he takes care of the fighting cocks of their employer, Arnaldo Gabriel. On August 14, 2000, at 5 pm, he, Raul, accused Generoso Valerio, and another friend, were drinking beer in their house. After more than two hours, Valerio and his friend went home while he and Raul watched TV. At 11 pm, Raul went to sleep and he (Romeo) was left alone in the terrace. After switching off the TV and as he sat on the terrace, 'something bad entered in his mind' ('may pumasok na masama sa isip ko'). He thought of entering the house of Atty. Urcia because he needed money. Earlier that day, he had received a call from his mother in the province, asking for money. As they did not have money, he became confused, thus the malevolent thought entered his mind. While his brother Raul slept in the house, he climbed the concrete perimeter fence at the back of the Urcia house and went down a stairway in the backyard. He entered the house through the kitchen door which was open and went upstairs. There he

was met by Atty. Urcia who shouted at him and asked him what he was doing in the house. As he was surprised when Atty. Urcia saw him, he stabbed Urcia who was able to reach his bedroom before collapsing on the floor. Thereupon, the son of Atty. Urcia was awakened and embraced him (accused Romeo Sampong), thus prompting him to stab the son also. Urcia's son fell on the bed. As accused ran out of Urcia's room, the door near him opened and a person was shouting. Surprised, accused also stabbed that person and as his victim fell, he realized that he had stabbed a girl. Now confused and not knowing what to do, he ran downstairs and there he met Arvin with whom he struggled for possession of the knife. Thereafter, he ran out of the house and went home to wake up his brother Raul. He told him that he had stabbed Atty. Urcia and his kids and instructed him that should anyone look or ask about him that he (Raul) does not know anything. He then changed his bloodied clothes and went outside to wait for a tricycle. He was able to hail a tricycle but it did not stop for him. Whereupon, he saw a tanod approach (sic) him so he went back inside the house. On returning to the house, he noticed that his brother Raul had followed him and Valerio was also there because Raul had awakened him and they thought that he (Romeo) had encountered an enemy. He instructed Raul and Valerio that if anyone looks for him they should say that they have not seen him. His brother Raul told him that he would go with him but he (Romeo) should wait because he (Raul) had to put on his short parts (sic), as he was only wearing briefs at that time. However, Romeo did not wait anymore but instead took off and proceeded to the house of a brother in Novaliches where he told the people there that he had stabbed Atty. Urcia. After an hour, his brother, who followed him, also arrived in Novaliches. At 3 pm, his uncle, brother, and cousin accompanied him to Camp Crame. When the police saw his wound, they made him undergo a medical examination and told him that they had to question his brother. Accordingly, he accompanied them to the house of his uncle and they fetched his brother. Accused claims that his purpose in entering the house was to rob Atty. Urcia. He identified the bladed instrument (Exh. III-2) as the one he used on the evening in question.

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Raul Sampong testified that at about 5:30 pm of August 14, 2000 he was feeding the fighting cocks and thereafter joined Valerio and his nephew, and accused Romeo Sampong in drinking beer. After drinking, he watched TV until 9:30 pm and went to sleep. Romeo stayed outside watching TV. Thereafter, he was roused from his sleep by his brother Romeo. He was surprised to see Romeo bloodied and Romeo told him not to tell anyone where he would be. He followed Romeo inside the room as the latter changed his clothes. Romeo asked him to bind his wound but he could not do it as he was shaking in fear upon seeing the blood. They then went to the house of Valerio to ask for help at about 11 pm. Valerio was awakened by his sister and he came out of his house. Raul told Valerio: 'Ma, si Romeo nakaaway iyong anak ni Attorney'. As they were talking outside the gate, a person suddenly arrived wielding a wooden club ('pamalo') but left when he saw them. At that time, Romeo was not with them as he had left. Valerio told them to go home and they will talk

about it the following day. Raul went home and could not find Romeo there. As he sat in the terrace, he heard a commotion outside and someone was banging on their gate, calling his name, ordering him to open the gate, and shouting invectives. Thinking that it was the people looking for his brother, he became afraid and hid behind banana trees at the back of the house for an hour. From his hiding place, he heard gunshots inside the house. When it became quiet inside the compound, he came out, rode a tricycle, and went to Novaliches, Quezon City. He left Rosario at 3 am. In Novaliches, he saw Romeo who told him that he (Romeo) had an altercation with the son of Atty. Urcia. When they asked Romeo if he wants to surrender the latter agreed.”

On August 25, 2003, the lower court rendered a decision, the dispositive portion of which reads:

“WHEREFORE, premises considered, judgment is hereby rendered finding accused ROMEO SAMPONG y GONZALES and accused RAUL SAMPONG y GONZALES guilty beyond reasonable doubt of THREE (3) counts of MURDER and sentencing each of them to suffer the penalty of RECLUSION PERPETUA for each count.

Judgment is also hereby rendered finding accused ROMEO SAMPONG y GONZALES and accused RAUL SAMPONG y GONZALES guilty beyond reasonable doubt of the crime of ATTEMPTED MURDER and sentencing accused ROMEO SAMPONG y GONZALES to suffer the indeterminate penalty of six (6) years prision correccional as minimum to seven (7) years prision mayor as maximum and accused RAUL SAMPONG y GONZALES the indeterminate penalty of six (6) years prision correccional as minimum to eight (8) years (and) one (1) day prision mayor as maximum.

Further, accused ROMEO SAMPONG y GONZALES and RAUL SAMPONG y GONZALES are hereby ordered to solidarily pay the heirs of the victims the following: 1) P150,000, as civil indemnity for the deaths of Ariston Urcia, Adrian Urcia and Ma. Angela Urcia; 2) P150,000, as moral damages for the deaths of said victims, and 3) P3,006,000, as actual damages (wake and funeral expenses and unearned income of Ariston Urcia). Both accused are also ordered to solidarily pay Arvin Urcia P1,500.00 as nominal damages for the physical injuries suffered by him.

SO ORDERED.”

In convicting Romeo and Raul (or “appellants”, when collectively) of murder, on three counts, for the killing of Atty. Urcia, Angela and Adrian, and of attempted murder for the wounding of Arvin, the trial court found that the crimes were attended by the qualifying circumstances of evident premeditation and treachery. Nevertheless, the trial court appreciated the mitigating circumstance of plea of guilty in favor of Romeo and found no aggravating circumstance against him while, in the case of Raul, it found neither mitigating nor aggravating circumstance.

Appealing their conviction, appellants fault the trial court –