

THIRD DIVISION

[G.R. No. 227755, August 14, 2019]

PEOPLE OF THE PHILIPPINES, PLAINTIFF-APPELLEE, VS. NOEL LITA AND ROMULO MALINIS, ACCUSED-APPELLANTS.

DECISION

LEONEN, J.:

The trial court's determination of witness credibility will seldom be disturbed on appeal unless significant matters were overlooked. A reversal of these findings becomes even more inappropriate when affirmed by the Court of Appeals.^[1]

This Court resolves the appeal from the Decision^[2] of the Court of Appeals, which affirmed the Regional Trial Court Decision^[3] finding Noel Lita (Lita) and Romulo Malinis (Malinis) guilty beyond reasonable doubt of the murder of Hipolito Rementilla (Hipolito).^[4]

In an Information, Lita and Malinis, along with Barangay Chair Benito Moncada (Barangay Chair Moncada), Sebastian Requitud (Requitud), Joselito Piliin (Piliin), Benigno Obrador (Obrador), Inosencio Pondano (Pondano), Felicisimo Amada (Amada), and Julian Consul (Consul), were charged with the murder of Hipolito.^[5]

The Information read:

That on or about 12:10 in the early morning of December 21, 1998 at Brgy. Paagahan, Municipality of Mabitac, Province of Laguna, Philippines, and within the jurisdiction off this Honorable Court, the above-named accused, conspiring, confederating, and mutually helping one another, under one common design and purpose, by means of treachery, evident premeditation, with intent to kill, while conveniently armed with unlicensed cal. 45 pistols and .38 revolver, did then and there willfully, unlawfully, and feloniously attack, assault, and sho[o]t Brgy. Council an HIPOLITO E. REMENTILLA with the said weapons thereby causing fatal gunshot wounds on the different parts of the body of the victim which caused his instantaneous death, to the damage and prejudice of the surviving heirs of the said victim.

That in the commission of the offense, the following aggravating circumstances of nighttime and use of superior strength attended the killing of HIPOLITO E. REMENTILLA.

Contrary to law[.]^[6]

The events leading to Hipolito's killing happened around the time that the Christmas party in Barangay Paagahan, Mabitac, Laguna took place on the night of December

20, 1998. All of the accused, except Barangay Chair Moncada, who was then large, pleaded not guilty to the crime charged.^[7]

Trial ensued.

For the prosecution, Ma. Socorro Banyon (Banyon) testified that sometime in the afternoon of December 20, 1998 in Barangay Paagahan,^[8] she saw Amada, Barangay Chair Moncada, and Requitud standing on the road leading to Hipolito's house. They were pointing to Hipolito's house while talking.^[9]

Nonilon Rementilla (Nonilon) testified that at around 11:50 p.m. that same day, upon seeing his uncle Hipolito walking home from the barangay Christmas party, he offered to accompany him. When his uncle refused the offer, Nonilon still followed him, fearing for his safety.^[10]

While he was following Hipolito, Nonilon saw Consul come "from the rear right side of his uncle"^[11] and shoot Hipolito twice. Then, he saw Amada emerge from his uncle's left rear side to shoot him once more. Amada would shoot Hipolito five (5) more times as he was already lying "supine on the pavement."^[12]

As this happened, Nonilon saw Lita and Malinis "nearby, holding their guns, seemingly acting as look outs (*sic*)."^[13] When Nonilon realized that he had been spotted by the assailants, he ran away towards the highway.^[14]

The assailants later fled the scene, allowing Nonilon to return to his uncle's side. As Hipolito lay on the ground, Nonilon heard him utter, "*Si Fely, si Puti at sina . . .*"^[15] which Nonilon understood to mean Amada and Lita, whose nickname was Puti.^[16] Hipolito's wife Zenaida and several others who had heard the gunshots arrived at the scene a few minutes later. They were able to bring Hipolito to the hospital, but he was pronounced dead on arrival.^[17]

The prosecution also presented Benedicto Sayaman (Sayaman), who testified that on December 20, 1998, he attended a meeting at Barangay Chair Moncada's house, where all the accused gathered to discuss the killing of Hipolito and several others. The meeting began at around 10:00 p.m. with Barangay Chair Moncada announcing "the 'work' he intends to be accomplished[.]"^[18]

Sayaman testified that according to Barangay Chair Moncada's plan, Hipolito would be killed while he was on his way home from the barangay Christmas party. Consul would shoot Hipolito first and Amada would ensure that the plan was accomplished while the other accused would serve as lookouts. Barangay Chair Moncada provided the group with weapons.^[19]

Sayaman testified that all except him agreed with the plan, but out of fear of reprisal, he kept his disagreement to himself.^[20] When the group dispersed, Sayaman went home and stayed put. At about past midnight, he heard several gunshots.^[21]

Dr. Winston Tan (Dr. Tan), the physician who conducted Hipolito's postmortem examination testified that Hipolito sustained eight (8) gunshot wounds: three (3) on

the front and five (5) on the back of his body.^[22]

Police Inspector Lorenzo Sabug, who testified on the ballistic examination of the .45 caliber bullet and eight (8) .45 caliber fired cartridges recovered from the crime scene, concluded that all these items were fired from a colt .45 caliber firearm.^[23]

The defense interposed various denials and alibis.

Malinis testified that on the night of the incident, he was at home sleeping when police officers came to their house looking for his brother, Lita, and one "Onyok." When he located Lita and Onyok the following day, he accompanied them to the municipal hall. However, upon orders from the Mayor of Mabitac, Malinis was also charged with killing Hipolito. He said that CIS Investigator Arvin Evangelista told him to point to Barangay Chair Moncada as the crime's mastermind. When he refused, as he allegedly had no knowledge of the crime, Malinis was detained.^[24] Malinis also admitted that his house was a mere walking distance from Hipolito's house.^[25]

Meanwhile, Lita testified that on the night of the incident, he was watching the Christmas party at the barangay plaza with Bino Garcia (Garcia), Onyok Aklan (Aklan), and Willy Bocod (Bocod). Later that night, they all decided to have a drinking session at Bocod's house, which was about half a kilometer from the plaza. Their drinking spree had lasted until past 3:00 a.m. before he, Garcia, and Aklan went to his nipa hut, and there slept. The following morning, Lita found out about Hipolito's death from his brother, Malinis.^[26]

Both Malinis and Lita expressed suspicions that they were implicated in the crime for refusing to testify against Barangay Chair Moncada.^[27]

The other accused interposed similar denials. Requitud, the barangay captain of Barangay Inapayan, was allegedly helping with preparations for their Christmas party. When he was done, he went home, passing by a neighbor's house along the way.^[28] Requitud's testimony was corroborated by Florentino Dela Cruz, who saw him fixing Christmas lights at the Barangay Paagahan hall, and Luciano Albitos, who said that Requitud passed by his house to help him slaughter a pig.^[29] Requitud speculated that he was implicated in the crime for refusing to testify against Barangay Chair Moncada when Mayor Sarayot, Hipolito's nephew, asked him to testify around a week after Hipolito's burial.^[30]

Meanwhile, Amada testified that he left the Christmas party at around 11:00 p.m. and proceeded home to watch a movie with his family until around 1:00 a.m.^[31]

For his part, Pondano testified that after holding a vigil for his recently departed wife, he slept from 8:00 p.m. of December 20, 1998 until the next morning. He also testified that Hipolito was his "kumpare[.]"^[32] Pondano's testimony was corroborated by his daughter.^[33]

Piliin, meanwhile, testified that on the night of the incident, he was at his home in Barangay San Miguel, which was about eight (8) kilometers from Barangay Paagahan. He admitted that he owned a motorcycle that could travel this distance.

He also admitted that earlier that night, at around 7:00 p.m., he had visited Mayor Sarayot's house in Barangay Paagahan to purchase cow meat.^[34]

Consul had initially denied any participation but subsequently recanted. He testified having met with Barangay Chair Moncada during the Christmas party. At the meeting, it was agreed that he and one Luisito San Juan would follow Hipolito home from the Christmas party, and whoever was able to approach Hipolito first would be the first to shoot him. Consul said that he was able to fire successive shots at Hipolito from his super .38 gun before running away himself. He heard several more gunshots afterwards, but he was not sure who fired them.^[35]

Consul testified that he never saw any of his co-accused before, during, or after the incident, aside from Requitud, whom he allegedly saw while he was incarcerated at the provincial jail.^[36]

Pending trial, Amada, Consul, Piliin, and Obrador died.^[37]

In its April 10, 2013 Decision,^[38] the Regional Trial Court found Lita and Malinis guilty of murder.

Despite Nonilon's relationship with the victim, his testimony was given credence by the trial court for being a "straightforward and categorical eyewitness account"^[39] of what had transpired, and for his generally cordial relationship with the accused. According to the trial court, the lack of animosity between them negated any supposed familial bias.^[40] His familiarity with the accused, his reasonable distance from the events as they transpired, and the presence of sufficient lighting from a nearby tamarind tree rendered his identification of the accused believable.^[41] Moreover, Consul's subsequent admission to shooting Hipolito bolstered Nonilon's version of events.^[42]

Moreover, the trial court found that Dr. Tan's testimony that Hipolito suffered gunshot wounds "at the back of the right chest"^[43] and "at the back portion of the right arm"^[44] was consistent with Nonilon's recollection of where and how many times Consul shot Hipolito. The physician's findings that entry points were also found "at the back portion, and middle third of the left thigh," also jived with Nonilon's placement of Amada, at the rear left side of Hipolito.^[45]

However, the trial court recognized the inconsistency between the two (2) testimonies. Nonilon testified that since he saw Hipolito get shot five (5) times as he lay face-up, there must have been five (5) wounds in the front of his body. Meanwhile, Dr. Tan's postmortem examination found that Hipolito had five (5) entry wounds in the back, and only three (3) in the front. Despite this, the trial court dismissed any dissonance between the two (2) testimonies, theorizing that Hipolito may have been squirming in pain while being shot and "may have turned his back against his assailant until he has finally ended up supine."^[46]

As to the presence of conspiracy, the trial court doubted Sayaman's credibility after he had admitted that some of the targets were his relatives. It found it hard to believe that Sayaman would be trusted with incriminating information on a criminal

plot against his own kin.^[47] However, it held that Nonilon's testimony was sufficient to establish concerted action among the accused:

Obviously, from his (Nonilon) narration of facts, accused [Consul] fired two shots for the initial execution of the scheme to liquidate the victim. It was followed by the accused [Amada], who fired another shot and subsequently discharged five more slugs towards the victim. Palpably, these are concerted steps aimed at accomplishing the intended purpose of ending the life of the victim. The presence of accused [Piliin], [Lita] and [Malinis] very near the crime scene was far from passive. Each of them was carrying a gun, acting as lookouts. In the mind of this court, these acts exhibited by them could reasonably be inferred as they were ready to assist the two (2) assailants, should anybody stand in the way in accomplishing this goal of taking the life of the victim.

Thus, drawn from the convergence of these acts is the inescapable conclusion that these acts were complimentary (sic) to one another and geared toward the attainment of the ultimate objective of claiming the life of the victim.^[48]

As to the presence of treachery, the trial court found that Nonilon's testimony established the use of means that would deprive Hipolito of a chance to defend himself. The postmortem examination showed posterior entry wounds, meaning Hipolito was shot in the back. The trial court then theorized that the wounds in the front could have been inflicted while Hipolito was writhing on the ground. Evident premeditation was also appreciated in view of Consul's admission that there was a prior plot to kill Hipolito, which they eventually carried out. Thus, the accused were determined to carry on with the killing.^[49]

The trial court did not rule on the other alleged aggravating circumstances of nighttime and use of superior strength. Neither did the prosecution present evidence establishing these circumstances.

The trial court imposed on Lita and Malinis the penalty of *reclusion perpetua* without eligibility for parole, in view of Republic Act No. 9346 proscribing capital punishment.^[50] Meanwhile, it acquitted Obrador, Requitud, and Pondano, reasoning that even if Sayaman's testimony were true, the three (3) accused were merely present at the meeting but did not participate in furthering the plan of killing Hipolito. Neither was it proven that they acquiesced to the plan.^[51]

Lita and Malinis appealed their conviction, alleging in their Brief^[52] that their guilt was not proven beyond reasonable doubt. They questioned the existence of a conspiracy, which they claimed should have been proven by facts and not by "mere inferences and presumption."^[53] They cited Consul's admission of shooting Hipolito and emphasized his categorical statement that neither of them was present during the shooting or the meeting with Barangay Clair Moncada.^[54]

Even assuming that they were present at the shooting, Lita and Malinis questioned the veracity of Nonilon's account of their roles as lookouts. They also questioned the credibility of Nonilon's testimony, claiming that he acted contrary to human experience when he did nothing to stop the attack.^[55]