

## SECOND DIVISION

[ G.R. No. 224289, August 14, 2019 ]

**THE PEOPLE OF THE PHILIPPINES, PLAINTIFF-APPELLEE, VS.  
DANG ANGELES Y GUARIN, JAMES SANTOS @ "CHITA," DENNIS  
RAMOS, AND SONNY BAYNOSA @ "JONG," ACCUSED, DANG  
ANGELES Y GUARIN, ACCUSED-APPELLANT.**

### D E C I S I O N

**LAZARO-JAVIER, J.:**

#### The Case

This appeal seeks to reverse the Decision dated March 13, 2015<sup>[1]</sup> of the Court of Appeals in CA-G.R. CR-HC No. 05193 which affirmed with modification the trial court's verdict of conviction against appellant Dang Angeles y Guarin for murder, frustrated murder, and attempted murder.<sup>[2]</sup>

#### The Information

Appellant Dang Angeles y Guarin, James Santos alias "Chita," Dennis Ramos, and Sonny Baynosa alias "Jong,"<sup>[3]</sup> were charged with murder and two (2) counts of frustrated murder in the following Amended Information, viz:

#### **Criminal Case No. L-8886**

The undersigned hereby accuses **DANG ANGELES y GUARIN, JAMES SANTOS @, "Chita", DENNIS RAMOS and JOHN DOE @, "JHONG"** of the crime of **MURDER** committed as follows:

*"That on or about 11:45 o'clock in the evening of April 27, 2010 in Brgy. Gayaman, Binmaley, Pangasinan and within the jurisdiction of this Honorable Court, the above-named accused, conspiring, confederating, and mutually helping one another, with treachery, abuse of superior strength and evident premeditation, with intent to kill, did, then and there, willfully, unlawfully and feloniously attack, assault and stab ABELARDO Q. EVANGELISTA, with the use of a (sic) bladed weapons inflicting upon him injuries as shown in the autopsy report which caused his instantaneous death, to the damage and prejudice of his heirs. "*

Contrary to Article 248 of the Revised Penal Code.<sup>[4]</sup>

X X X                      X X X                      X X X

**Criminal Case No. L-8887**

The undersigned hereby accuses **DANG ANGELES y GUARIN, JAMES SANTOS @, "Chita", DENNIS RAMOS, and SONNY BAYNOSA @ "Jong"** of the crime of **FRUSTRATED MURDER** committed as follows:

"That on or about 11:45 o'clock in the evening of April 27, 2010 at Brgy. Gayaman, Binmaley, Pangasinan, and within the jurisdiction of this Honorable Court, the above-named accused, armed with knives, conspiring, confederating and mutually helping one another, with intent to kill, with treachery and taking advantage of their superior strength, did then and there, (willfully), unlawfully and feloniously attack, stab and hit **ERIC Q. EVANGELISTA**, inflicting upon him "lacerated wound 1 cm back scapula area", secondary to stabbing, the accused having thus performed all the acts of execution which would have produced the crime of Murder but which did not produce it by reason of cause/s independent of the will of the accused, that is due to the timely medical assistance rendered to **ERIC Q. EVANGELISTA** to his damage and prejudice."

CONTRARY to Article 248 in relation to Art. 6 of the Revised Penal Code.

<sup>[5]</sup>

X X X                      X X X                      X X X

**Criminal Case No. L-8888**

The undersigned hereby accuses **DANG ANGELES y GUARIN, JAMES SANTOS @, "Chita", DENNIS RAMOS, and SONNY BAYNOSA @, "Jong"** of the crime of **FRUSTRATED MURDER** committed as follows:

"That on or about 11:45 o'clock in the evening of April 27, 2010 in Brgy. Gayaman, Binmaley, Pangasinan, and within the jurisdiction of this Honorable Court, the above-named accused, armed with knives, conspiring, confederating and mutually helping one another, with intent to kill, with treachery and taking advantage of their superior strength, did then and there, (willfully), unlawfully and feloniously attack, stab and hit **MARK RYAN Q. EVANGELISTA**, inflicting upon him "Grade II Liver injury R. lobe Hmoritorcum secondary to stab wound R lumbar posterior aspect", the accused having

thus performed all the acts of execution which would have produced the crime of Murder but which did not produce it by reason of cause/s independent of the will of the accused, that is due to the timely medical assistance rendered to **MARK RYAN Q. EVANGELISTA**, to his damage and prejudice."

CONTRARY to Article 248 in relation to Art. 6 of the Revised Penal Code.

[6]

### **The Proceedings Before the Trial Court**

Criminal Case No. L-8886 was raffled to the Regional Trial Court (RTC)-Branch 38, Lingayen, Pangasinan, while Criminal Case Nos. L-8887 and L-8888, to Branch 37. All three (3) cases were subsequently consolidated in Branch 38.[7]

Only Appellant got apprehended and detained. James Santos alias "Chita," Dennis Ramos, and Sonny Baynosa alias "Jong" remained at large.

On arraignment, appellant pleaded not guilty to all three (3) charges.[8]

Eric Q. Evangelista, Mark Ryan Q. Evangelista, Domingo Evangelista, SPO1 Ricardo De Vera, PO1 Tristan Fernandez, Rolando Quinto, Dra. Gladiola Manaois, and Dr. Cipriano Fernandez, testified for the prosecution. On the other hand, appellant alone testified for the defense.

#### *Version of the Prosecution*

On April 27, 2010, around 11:30 in the evening, Eric and Mark Ryan Evangelista were inside their residence in Barangay Gayaman, Binmaley, Pangasinan, celebrating the eve of their sister's wedding.[9] While the celebration was ongoing, they suddenly heard a loud noise coming from the engine and muffler of a tricycle. Eric and their youngest brother Elmer stepped out of the house to check what the loud noise was all about. Mark Ryan followed them shortly.[10]

Sonny "Jong" Baynosa occupied the driver's seat of the nearby parked tricycle where the noise was coming from. He was in the company of appellant, James "Chita" Santos, and Dennis Ramos. As brothers Eric and Elmer approached, appellant alighted from the tricycle, walked straight to and forcefully stabbed Elmer in the right abdomen. The knife snapped.[11]

When Eric rushed to help Elmer, Baynosa stabbed him (Eric) in the back, just below his right shoulder. Mark Ryan who followed his brothers was not spared. Santos stabbed him, too, in his right waist.[12]

Abelardo rushed to his brothers' aid. But Ramos also stabbed him in the left stomach. Santos himself turned to Abelardo and stabbed the latter in the right

abdomen. Not to be outdone, appellant grabbed an icepick and joined in. He stabbed Abelardo in the left chest. Baynosa also pulled an icepick and stabbed Abelardo in the right chest. In view of the multiple stab wounds he sustained, Abelardo fell to the ground. But still not satisfied, Santos stabbed him again in the back. Thereafter, appellant walked away while Baynosa, Ramos, and Santos fled on board the tricycle.<sup>[13]</sup>

A cousin of the Evangelista brothers, Rolando Quinto, saw the incident but he was too scared to help.<sup>[14]</sup>

Only after the assailants had left did Rolando and others approach and rush Elmer, Eric, Mark Ryan, and Abelardo to the hospital.<sup>[15]</sup> Abelardo was pronounced dead on arrival.<sup>[16]</sup> Elmer died in the hospital.<sup>[17]</sup>

Dr. Cipriano C. Fernandez treated Eric and Mark Ryan. As for Eric, Dr. Fernandez found a stab wound in his back though it was not fatal. Dr. Fernandez opined that even without adequate medical attendance, the wound would heal in seven (7) to ten (10) days. Eric got discharged from the hospital on the following day.<sup>[18]</sup>

As for Mark Ryan, he sustained a stab wound in the waist (back). He had to be admitted into the Intensive Care Unit. After twelve (12) hours, however, his condition worsened. Wasting no time, Dr. Fernandez immediately did an operation on Mark Ryan. When Dr. Fernandez opened up Mark Ryan, the latter's abdomen was filled with blood flowing from his punctured liver. It was a fatal injury which could have caused Mark Ryan's death were it not for the timely and adequate medical attendance given him. It would take him up to three (3) months to recover from this injury.<sup>[19]</sup>

SPO1 Ricardo de Vera and PO1 Tristan B. Fernandez were among the police officers who responded to the reported stabbing incident. When SPO1 de Vera arrived at the *locus criminis*, the victims had already been brought to the hospital. The victims' father, Domingo Evangelista, identified appellant as one of the assailants. SPO1 De Vera and the other police officers were able to apprehend appellant. After apprising him of his constitutional rights, they took appellant to the Lingayen Community Hospital for medical examination. The police officers though were not able to apprehend Santos, Ramos, and Baynosa.<sup>[20]</sup>

The prosecution offered the following evidence:

- "A" to "A-: Joint Affidavit of Arrest executed by PO1 de Vera  
2" and PO1 Fernandez
- "B" to "B-: Domingo Evangelista's Sworn Statement and  
1" Supplemental Affidavit
- "C" to "C-: Rolando Quinto's Affidavit  
1"
- "D" to : Eric Evangelista's Sworn Statement  
"D-1"
- "E" to "E-: Mark Ryan Evangelista's Sworn Statement  
1"
- "F" to "F-: Certification of Police Blotter (Entry Nos. 01936,

3"	01941-42)
"G" to : "G-1"	Certification of Police Blotter (Entry No. 01943)
"H" :	Two knives
"I" to "I- 2"	Abelardo Evangelista's Death Certificate
"J" to "J- 1"	Post Mortem Examination
"K" to "K- 3"	Photos showing Abelardo's body and the wounds he sustained
"L" to "L- : 3"	Medical Certificate issued to Eric Evangelista
"M" to : "M-7"	Receipts showing the expenses for treatment of Eric's injury
"N" to : "N-5"	Medical Certificate issued to Mark Ryan Evangelista
"O" to : "O-19"	Receipts showing the expenses for treatment of Mark Ryan

### *Version of the Defense*

Appellant testified that on April 27, 2010, his brother-in-law Marlon invited him to a party at Domingo Evangelista's residence. Marlon was Domingo's nephew. Around 11:45 in the evening, he was outside Domingo's house when Baynosa arrived on board his tricycle. Baynosa was in the company of Santos and Ramos.<sup>[21]</sup>

Eric and Mark Ryan stepped out from the house and called out Baynosa for the loud noise coming from the tricycle. Santos and Ramos alighted from the tricycle and asked the Evangelista brothers to stop shouting to avoid further trouble. But Eric yelled even louder at Baynosa while Mark Ryan cursed Baynosa and his companions.<sup>[22]</sup>

Then together, Eric and Mark Ryan walked up to the group and repeatedly punched Ramos. At this point, Abelardo and Elmer arrived and hit Ramos in the head with a bottle. Not satisfied, Abelardo hit Ramos a second time. In retaliation, Ramos drew a knife from his waist and stabbed Abelardo and Elmer.<sup>[23]</sup> When they saw what Ramos did to their brothers, Eric and Mark Ryan motioned to punch Ramos but were repelled by Baynosa and Santos. Using their respective weapons, Baynosa and Santos struck at Eric and Mark Ryan.<sup>[24]</sup>

Appellant claimed to be a silent witness to the unfolding of these tragic events. He got so scared, left, and went home.<sup>[25]</sup>

While buying cigarettes from a nearby store, he saw Domingo and the police coming up to him. Domingo pointed him out as among those who stabbed the Evangelista brothers.<sup>[26]</sup>

### **The Trial Court's Ruling**