

SECOND DIVISION

[G.R. No. 224222, October 09, 2019]

PEOPLE OF THE PHILIPPINES, PLAINTIFF-APPELLEE, VS. DANTE GALAM AND LITO GALAM, ACCUSED-APPELLANTS.

D E C I S I O N

LAZARO-JAVIER, J.:

The Case

This appeal assails the Decision^[1] dated June 10, 2015 of the Court of Appeals in CA-G.R. CR HC No. 06334 affirming the trial court's verdict of conviction^[2] for murder against appellants Dante Galam and Lito Galam.

The Proceedings before the Trial Court

The Charge

By Information dated February 23, 2000, appellants were charged with the murder of Eusebio Antolin, viz:

That on or about the 15th of January 2000, in the Municipality of Muñoz, Province of Nueva Ecija, Republic of the Philippines, and within the jurisdiction of this Honorable Court, both the above-named accused, conspiring, confederating and mutually aiding one another, armed with a short firearm, with intent to kill and with treachery and evidence (sic) premeditation, did then and there willfully, unlawfully and feloniously attack, assault and shoot Eusebio Antolin inflicting upon him fatal gunshot wound (in) his chest which directly caused his death to the damage and prejudice of the heirs.

Contrary to law.^[3]

The case was raffled to the Regional Trial Court - Branch 88, Baloc, Sto. Domingo, Nueva Ecija.^[4]

On arraignment, appellants pleaded not guilty.^[5] Trial proper ensued.

The Prosecution's Version

Mario and Mary Jane Antolin, children of the victim Eusebio Antolin, testified that on January 15, 2000, around 7 o'clock in the evening, they were eating dinner together in their home^[6] when they heard their father arguing with someone outside. Mario focused his flashlight outside to find out what was going on. He and Mary Jane saw their father and appellants Dante Galam and Lito Galam arguing. They heard Lito threatening their father "*Papatayin ka namin!*," and Dante cursing "*Putang-ina mo!*"^[7] Then they saw Lito pointing a gun to their father who reacted "*Sige, iputok mo!*"

[8] As if acting on cue, Lito right then instantly pulled the trigger and shot Eusebio in the chest.[9] Soon after, appellants fled.

Mario and Mary Jane rushed to their father who was already dead.[10]

Eusebio's other son Bartolome Antolin testified that two (2) days before his father got shot, appellants invited his father to a drinking session. He heard Dante threaten his father "*Lalaingem no madi ka agsardeng patayin da ka!*" (*make it good or else we will kill you!*).[11]

Marissa Antolin, Eusebio's wife testified she was in her parents-inlaw's house when she heard her children crying and shouting from a distance. She rushed home and saw her husband's lifeless body.[12] Two (2) years before the incident, appellants had an argument with her husband involving a pending land case. Dante threatened her husband "*pag di ka tumigil, may mangyayari sa iyo!*"[13]

Bobby Perez, Eusebio's nephew narrated that on the day of the incident, he saw appellants walking toward the direction of Eusebio's house. Lito was holding a gun. He heard someone cursing, then a gunshot filled the air. He rushed to his uncle's house and saw the latter's lifeless body.[14]

On January 16, 2000, Dr. Carmelita Carlos examined the body of Eusebio[15] and found a single penetrating wound in the right side of his chest.[16] In her Medico Legal Report,[17] she stated that Eusebio died of "hemorrhagic shock" resulting from a gunshot wound.[18]

The Defense's Version

Dante Galam testified that on January 15, 2000, around 4 o'clock in the afternoon, he went to the onion field where his sister Amelia Galam Batangan was working. The onion field was only ten (10) minutes away from Eusebio's house.[19]

Around 7 o'clock in the evening, his sister Amelia Batangan invited him over for dinner in her home.[20] After dinner, his sister's husband Teodoro Batangan offered him a ride home. By 8:45 in the evening, he was already home. He went to sleep around fifteen (15) minutes later. The following morning, his neighbor Atong Costales informed him that he was a suspect in killing Eusebio.[21]

Amelia Batangan and Teodoro Batangan corroborated Dante's testimony.[22]

Lito did not testify.

The Trial Court's Ruling

By Decision[23] dated June 18, 2013, the trial court found appellants guilty as charged, thus:

WHEREFORE, FOREGOING PREMISES CONSIDERED, the prosecution having sufficiently established the guilt of the accused, Lito Galam and Dante Galam, beyond reasonable doubt for killing Eusebio Antolin qualified by treachery and evident premeditation, the Court finds them GUILTY of the crime of Murder. Lito Galam and Dante Galam are hereby

sentenced to suffer the penalty of reclusion perpetua conformably to Article 63 of the Revised Penal Code.

The accused are likewise ordered to pay the heirs of the deceased Eusebio Antolin:

1. Fifty-thousand (Php50,000) pesos civil indemnity;
2. Twenty-five thousand (Php25,000) pesos as temperate damages;
3. Fifty-thousand pesos (Php50,000) as moral damages; and
4. Thirty thousand (Php30,000) pesos as exemplary damages.

The interest rate of six percent (6%) per annum shall be applied to the award of damages from the date of finality of judgment until full payment thereof.

The accused Lito Galam and Dante Galam, being a detention prisoners, are entitled to be credited 4/5 of their preventive imprisonment in the service of their sentence in accordance with Article 29 of the Revised Penal Code.

No pronouncement as to costs.

SO ORDERED.^[24]

The trial court gave credence to the testimonies of siblings Mario and Mary Jane who positively identified appellants as the persons who killed their father.^[25]

The trial court also found treachery to have attended the killing of Eusebio because appellants' sudden and unexpected attack left the unarmed and unsuspecting victim without any an opportunity to defend himself.^[26] The trial court further appreciated the presence of evident premeditation. It keenly noted that two (2) days prior to the crime, January 13, 2000, appellants, armed with a gun went to Eusebio's house and threatened to kill him. Appellants showed a firm intent to kill Eusebio, and thereafter, clung to this intent and executed it.^[27]

Finally, the trial court rejected Dante's alibi.^[28] It found that he and Lito conspired^[29] in killing Eusebio.

Proceedings before the Court of Appeals

On appeal, appellants faulted the trial court for rendering a verdict of conviction despite the prosecution's alleged failure to prove their guilt beyond reasonable doubt. Appellants basically argued: it was highly impossible for Dr. Carlos to have accurately determined the cause of Eusebio's death because his body was already embalmed before it got examined.^[30] The prosecution witnesses had a long standing dispute with them, hence, their testimonies were biased against them.^[31] At any rate, the trial court should have considered Dante's alibi because it was corroborated by the defense witnesses.^[32]

For its part, the Office of the Solicitor General (OSG)^[33] through State Solicitor James Lee Cundangan and Associate Solicitor Analyn Avila countered that Mario and Mary Jane positively identified Lito as the person who shot and killed their father;

[34] treachery attended Eusebio's death because appellants deliberately and swiftly attacked him, leaving Eusebio without any means to escape or fight back; [35] and appellants conspired to kill Eusebio, decided to execute it, and succeeded in doing so. [36]

The Court of Appeals' Ruling

By Decision dated June 10, 2015, the Court of Appeals affirmed with modification, increasing the award of civil indemnity from P50,000.00 to P75,000.00. [37]

It accorded respect to the trial court's factual findings on the credibility of the prosecution's witnesses and its calibration of the evidence. Too, it agreed that treachery attended Eusebio's killing because appellants' attack was sudden, thus, leaving him with nary a chance to defend himself. [38] It also sustained the trial court's findings that evident premeditation attended the killing of Eusebio as appellants were shown to have clung to their firm determination to make good their threat to kill him two (2) days before they actually gunned him down. [39]

The Present Appeal

Appellants now seek affirmative relief from the Court and pray anew for their acquittal. In compliance with Resolution dated July 5, 2016, the OSG and appellants manifested that, in lieu of supplemental briefs, they were adopting their respective briefs before the Court of Appeals.

Issue

Did the Court of Appeals err in affirming appellants' conviction for murder?

Ruling

Murder is defined and penalized under Article 248 of the Revised Penal Code (RPC), viz:

Article 248. Murder. - Any person who, not falling within the provisions of Article 246 shall kill another, shall be guilty of murder and shall be punished by reclusion temporal in its maximum period to death, if committed with any of the following attendant circumstances:

1. With treachery, taking advantage of superior strength, with the aid of armed men, or employing means to weaken the defense or of means or persons to insure or afford impunity;

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5. With evident premeditation;

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Murder requires the following elements: 1) a person was killed; 2) the accused killed him or her; 3) the killing was attended by any of the qualifying circumstances mentioned in Article 248 of the Revised Penal Code; and 4) the killing is not parricide or infanticide. [40]

There is no question here as to the presence of the first and fourth elements because Eusebio Antolin was killed and appellants had no relation to the victim, in which case, the killing was not parricide or infanticide.

We, therefore, focus on the second and third elements. 1) Did appellants kill the victim? and 2) Did treachery and evident premeditation attend the killing?

Appellants were positively identified as the ones who fatally shot the victim

Appellants harp on the prosecution's purported failure to establish that they killed Eusebio. They argue that the prosecution witnesses were biased because they had a long standing dispute with them.^[41]

We are not persuaded.

The trial court found Mario and Mary Jane Antolin to have positively identified appellants as the ones who killed their father, thus:

Mario Antolin:

Q: Did you see who is that somebody whom your father was quarreling with?

A: I saw that my father was quarreling with Dante Galam and Lito Galam, ma'am.

Q: How were you able to identify Lito and Dante Galam, Mr. Witness?

A: I was able to focus a flashlight to them, ma'am.

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Q: What specific words did Lito Galam tell, will you please tell to the Honorable Court, Mr. witness?

A: He said: "*Papatayin ka naming*," ma'am.

Q: How about Dante Galam, did you hear if Dante Galam state a word against your father?

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A: He said: "*Putang-ina mo!*," ma'am.

Q: And thereafter what happened, Mr. Witness?

A: **The gun of Lito Galam fired, ma'am, and my father was shot.**

^[42] (Emphasis supplied)

Mary Jane Antolin:

Q: And what did you see when you went outside?

A: I saw Lito Galam, Dante Galam and my father, sir.

Q: And what happened when you saw them?

A: I saw Lito Galam poking a gun to my father, sir.

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Q: So what happened after you saw Lito pointing or poking a gun to your father?

A: **The gun was fired, sir.**