

SECOND DIVISION

[G.R. No. 232070, October 02, 2019]

PEOPLE OF THE PHILIPPINES, PLAINTIFF-APPELLEE, VS. ROMEO WELBAR PADAL, JR., REYNAN PADAL AND TWO (2) OTHER JOHN DOES, ACCUSED-APPELLANTS.

D E C I S I O N

LAZARO-JAVIER, J.:

The Case

This appeal assails the Decision^[1] dated March 10, 2017 of the Court of Appeals in CA-G.R. CR HC No. 01391-MIN entitled "*People of the Philippines v. Romeo Welbar Padal, Jr., Reynan Padal and Two (2) other John Does*," affirming the trial court's verdict of conviction^[2] against appellants Romeo Padal, Jr., Reynan Padal, and two (2) other John Does for murder.

The Proceedings before the Trial Court

The Charge

By Amended Information dated June 3, 2009, appellants were charged with the murder of Ragnel Salcedo Laguardia, viz:

That on or about December 31, 2007, in the City of Davao, Philippines, and within the jurisdiction of this Honorable Court, the above mentioned Romeo Welbar Padal, Jr., conspiring, and confederating with his co-accused Reynan Padal and two (2) John Does whose identities are yet to be known, armed with a knife and a gun, by means of a motor vehicle and with intent to kill, willfully, unlawfully and feloniously attacked, assaulted, stabbed with the said knife one Ragnel Salcedo Laguardia, thereby inflicting upon the latter fatal injury which caused his death.

The crime was committed by means of a motor vehicle is hereby alleged as a qualifying circumstance.

CONTRARY TO LAW.^[3]

The case was raffled to the Regional Trial Court – Branch 11, Davao City.^[4]

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

The Prosecution's Version

The testimonies of Eric Bugayong, Allan Cordero, Edgar Laguardia, and Chief Inspector Tomas Dimaandal may be summarized, as follows:

On December 31, 2007, Eric Bogayong, Ezzer Francisco, Ron Calapre, Albert Tancontian, Allan Cordero and victim Ragnel Laguardia were singing the videoke at the Land Transportation Terminal, Ecoland, Davao City. They finished around 2 o'clock in the morning.^[6] On their way home, four (4) persons on board a motorcycle approached them. These men were later identified as Romeo Padal, Jr., Reynan Padal, and two (2) John Does. Together with three (3) of these men, Ragnel, Albert, Ron, and Ezzer proceeded to a vacant lot. Eric and Allan continued walking^[7] until they reached the Ateneo where they waited for their companions.^[8] After an hour, all four (4) men Romeo, Reynan, and two (2) John Does ran after Albert, Ron, Ezzer, and Ragnel. When appellant Romeo caught up with Ragnel,^[9] the former pulled the latter's hair, causing Ragnel to fall. Before Ragnel could even stand up, Romeo kicked and stabbed him four (4) times with a sharp pointed metal.^[10] Eric and Allan were unable to run to the rescue of Ragnel because Reynan^[11] and two (2) of his companions were blocking the area.^[12] Reynan even fired a *sumpak*, causing them all to flee.^[13]

Ragnel was later brought to the hospital but he was declared dead on arrival.^[14]

Edgar Laguardia, Ragnel's father, testified that after his son's burial, he Eric, Allan, and the officers of the Crime Investigation and Detection Group (CIDG) did a surveillance to identify his son's assailants.^[15] They went to the terminal of *habal-habal* and saw appellant Romeo who was positively identified by Eric and Allan as the one who stabbed Ragnel. At the police station where Romeo got detained, he (Edgar) also saw Reynan as among the detainees himself.^[16] His family paid P65,000.00 for Ragnel's death expenses but they were only able to present receipts amounting to P27,000.00 for his wake and P11,500.00 for his internment.^[17]

Per Medico Legal Report No. A08-002,^[18] Police Chief Inspector (PIC Insp.) Tomas Dimaandal concluded that Ragnel died due to "massive pneumo-hemothorax" resulting from a stab wound.^[19] He explained that Ragnel sustained three (3) stab wounds and four (4) abrasions in his trunk extremities. The fatal stab wound fractured Ragnel's 4th rib and pierced his pulmonary vein, causing his lung to collapse. As a result, he lost about 500 cubic centimeter (cc) of blood.^[20]

The Defense's Version

Appellants Romeo Padal, Jr. and Reynan Padal interposed alibi.^[21]

Romeo claimed that on December 30, 2007, he was at home cooking sapin-sapin.

[22] The next day, around 4 o'clock in the morning, he went to Bankerohan market to buy sticky rice for his *sapin-sapin* and spent the rest of the day cooking.[23]

For his part, Reynan testified that on December 30, 2007, he was driving a motorcycle and calling on passengers from 6 o'clock in the evening until 6 o'clock in the morning of December 31, 2007.[24]

The Trial Court's Ruling

By Decision[25] dated June 13, 2013, the trial court found appellants guilty as charged, thus:

In view of all the foregoing, judgment is hereby rendered finding both Romeo Welbar Padal, Jr. and Reynan Padal **GUILTY** beyond reasonable doubt of the crime of Murder. They are hereby sentenced to suffer the supreme penalty of *reclusion perpetua*.

They are likewise sentenced to pay the heirs of Ragnel Salcedo Laguardia the sum of THIRTY-EIGHT THOUSAND FIVE HUNDRED PESOS (P38,500.00) as reimbursement of actual expenses and the further sum of FIFTY THOUSAND PESOS (P50,000.00) as civil indemnity.

SO ORDERED.[26]

The trial court ruled that appellants' defense of alibi cannot prevail over the positive testimony of eyewitnesses to the crime. Appellants conspired in killing Ragnel.[27] Although Romeo was the one who actually stabbed Ragnel, Reynan and their two (2) other companions prevented Ragnel's friends from helping him.[28]

Finally, the trial court appreciated appellants' use of motorcycle to have qualified the killing to murder.[29]

The Proceedings before the Court of Appeals

On appeal, appellants argued they were not positively identified as the ones who slayed Ragnel. Prosecution witnesses Eric and Allan could not have actually seen the faces of the assailants considering their view was blocked by unknown persons.[30]

For its part, the Office of the Solicitor General (OSG) through Assistant Solicitor General Bernard G. Hernandez and State Solicitor Louella Vieve B. Fernandez countered: Eric and Allan positively identified appellant Romeo as the one who stabbed Ragnel, while appellant Reynan as the one who drove the motorcycle which the assailants used to facilitate the crime.[31] In the absence of any ill motive on their part, Eric and Allan's testimony should be given credence.[32] The OSG pointed out that treachery attended Ragnel's death because he was not able to defend

himself when suddenly appellant Romeo grabbed his hair, causing him to fall on the ground, and then stabbed him.^[33]

The Court of Appeals' Ruling

In its assailed Decision^[34] dated March 10, 2017, the Court of Appeals affirmed.^[35] It concurred with the trial court's factual findings that the prosecution witnesses positively identified appellants as the men who: a) chased Ragnel; b) pulled his hair, causing him to fall on the ground; c) repeatedly kicked him; and d) stabbed him to death.^[36] In view thereof, appellants' defense of alibi must fail.^[37]

The Present Appeal

Appellants now seek affirmative relief from the Court and pray anew for their acquittal. In compliance with Resolution dated September 6, 2017, both the OSG and appellants manifested that, in lieu of supplemental briefs, they were adopting their respective briefs before the Court of Appeals.^[38]

Issue

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

Ruling

The appeal must fail.

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:

xxx

3. xxx by means of motor vehicles xxx

xxx

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.^[39]

There is no question here as for the presence of the first and fourth elements. Ragnel was killed and appellants had no relation to the victim that could have otherwise resulted in the crime of parricide or infanticide. We, therefore, focus on the second and third elements.

Appellants were positively identified as the men who stabbed the victim to death

Appellants assert that the witnesses could not have actually seen the assailants' faces considering that the former's view was blocked at the time the fatal stabbing was taking place.^[40]

On this score, we refer to the respective testimonies of Eric Bogayong and Allan Cordero, thus:

Eric Bogayong:

Q: You said that these 4 persons on board the motorcycle were chasing after your companions. What happened during the chase?

A: When Ezzer arrived somewhere near Ateneo, we already heard him asking for help and he shouted, "help, help."

Q: Where was Ragnel at that particular time?

A: He was running.

A: What happened to him?

A: He was caught up.

Q: Who was able to catch up with him?

A: One of the accused present here.

Q: What did the accused do to Ragnel?

A: His hair was pulled and he was caught up with.

Q: After pulling his hair, what happened next?

A: He fell down.

Q: What happened after?

A: He was kicked repeatedly.

Q: What happened next?