

THIRD DIVISION

[G.R. No. 203121, November 29, 2017]

PEOPLE OF THE PHILIPPINES, PLAINTIFF-APPELLEE, VS. GOLEM SOTA AND AMIDAL GADJADLI, ACCUSED-APPELLANTS.

DECISION

MARTIRES, J.:

This resolves the appeal of Golem Sota (Sota) and Amidal Gadjadli (*Gadjadli*) from the Decision^[1] dated 29 February 2012 of the Court of Appeals (CA) in CA-G.R. CR HC No. 00801-MIN which affirmed, but modified as to the penalty and damages, the Joint Decision^[2] dated 19 October 2009 of the Regional Trial Court, Branch 28, Liloy, Zamboanga del Norte (RTC) in Criminal Case Nos. L-00355 and L-00356, finding them guilty of Murder and Arson.

THE FACTS

Sota and Gadjadli were charged before the RTC with murder and arson committed as follows:

Criminal Case No. L-00355

That, in the evening, on or about the 19th day of November, 1999, in the [M]unicipality of Labason, Zamboanga del Norte, within the jurisdiction of this Honorable Court, the above-accused, armed with a handgun and a hunting knife, conspiring, confederating together and mutually helping one another and with intent to kill, by means of treachery and evident premeditation, did then and there willfully, unlawfully and feloniously attack, assault, shoot and stab one ARTEMIO EBA, thereby inflicting upon him multiple gunshot wounds and multiple stab wounds on the different vital parts of his body, which caused his instantaneous death; that as a result of the commission of the said crime the heirs of the herein victim suffered the following damages, viz:

Indemnity for	
a) victim's death--	P50,000.00

Loss of earning	
b) capacity -----	<u>30,000.00</u>

	P80,000.00

CONTRARY TO LAW (Viol. of Art. 248, Revised Penal Code as amended by R.A. 7659), with the aggravating circumstance of superior strength and the qualifying circumstances of treachery and evident premeditation.^[3]

That in the evening on or about the 19th day of November 1999, in the [M]unicipality of Labason, Zamboanga del Norte, within the jurisdiction of this Honorable Court, the above-named accused, conspiring, confederating together and mutually helping one another and with intent to destroy property and moved by hatred or resentment, did then and there wilfully, unlawfully and feloniously set on fire the residential house of one ARTEMIO EBA, causing to be totally burned including his belongings, valued at Thirty Thousand (P30,000.00) Pesos, Philippine Currency, to the damage and prejudice of the said owner.

CONTRARY TO LAW (Viol. of Art. 320 of the Revised Penal Code, as amended by PD 1613).^[4]

Sota and Gadjadli, assisted by counsel, pleaded not guilty to the charges against them; hence, joint trial proceeded. To prove its cases, the prosecution called to the witness stand Jocelyn and Abelardo, the daughter and son, respectively, of the victim, Artemio Eba (*Artemio*).

The Version of the Prosecution

At around 9:30 p.m. on 19 November 1999, Jocelyn woke up and found that her father, Artemio, was no longer by her side. She peeped through a hole in the wall of their house, which was located at Sibulan, Barangay Balas, Municipality of Labason, Zamboanga del Norte, and saw Sota and Gadjadli outside with three other persons. The moon was bright, thus, she was able to identify Sota and Gadjadli, who were close friends of Artemio and whose lands adjoined Artemio's land. Sota acted as the leader of the group while Gadjadli carried a pistol. The group was demanding food from Artemio who was willing to comply on condition that he would hand the food through an opening in the wall, being afraid to open the door because he might be harmed. The group lighted a torch made up of coconut leaves and started to burn the house but Artemio was able to put out the fire. Artemio pleaded for them not to burn his house and repeated his request that he would wrap the food and hand it to them through the opening in the wall.^[5]

The group demanded that Artemio open the door; otherwise, they would burn the house. When Artemio refused to comply insisting that he would hand them the food through the opening in the wall, the group fired at the house, with Gadjadli firing the first shot at Artemio. At that instance, Jocelyn jumped out of the window to escape and then ran away. When she looked back, she saw their house burning while Artemio, who ran down the house, was fired at by the group. Jocelyn proceeded to Eusebio's^[6] house, which was 15 meters away from theirs, and told Eusebio, her brother, what happened to their father; but Eusebio did nothing about it because he was shivering in fear.^[7]

Abelardo, a son of Artemio, who lived nearby, did not try to rescue Artemio when he saw that his father's house was burning because he was prevailed upon by his wife not to leave.^[8]

The following day, Jocelyn, together with her brothers and sisters, found Artemio's

body with stab and gunshot wounds. Jocelyn was brought to the police station at the Municipality of Labason where she executed her affidavit.^[9] Abelardo reported Artemio's death to the Barangay Captain and the police detachment, and thereafter executed his affidavit.^[10] The house and everything inside it, which had a total value of P30,000.00, were totally burned.^[11]

The Version of the Defense

Sota, Gadjadli, Hamid Saaban (*Saaban*), and Tambi S. Janjali (*Janjali*) were presented by the accused to prove their defenses.

When called to the witness stand, Sota admitted that he knew Gadjadli and Artemio. He and his wife had been staying at the house of his parents at Sibulan, Barangay Balas, which was adjacent to the lot where Artemio's house stood. On 19 November 1999, he stayed at home with his parents and siblings because he had fever and chicken pox. He consulted a doctor at Labason hospital about his chicken pox. He came to know that Artemio, with whom he had no misunderstanding, was killed when the policemen arrested him. He was brought to the police station where he executed his counter-affidavit. He claimed that he did not burn the house of Artemio nor was he involved in his killing. He did not see Gadjadli, who was living at Barangay New Salvacion, on 19 November 1999. He had transferred to Lemon, which is the boundary of Barangays Balas and New Salvacion, Municipality of Labason.^[12]

Gadjadli stated that he was not responsible for the burning of the house of Artemio and his death. Before the incident on 19 November 1999 took place, Eusebio, Artemio's son, went to his house to ask if he knew someone who would kill Artemio for a price of P30,000.00. He told him that he did not know of anyone who would do that. When he asked why he wanted Artemio killed, Eusebio told him that they were having problems with the partitioning of their property. Eusebio then said that he would just go home since he could not find someone to kill his father.^[13]

At around 6:00 p.m. on 19 November 1999, Gadjadli proceeded to Artemio's house, which was adjacent to the farmland he was tilling, to inform Artemio about Eusebio's plan. When he reached the place, he saw Eboy, Solaydi, and a masked person shoot Artemio. He shouted at Artemio and his daughter to run because they might be killed. Artemio's daughter was able to run, leaving Artemio behind. Eusebio and his companions chased and fired at him but missed.^[14]

Gadjali claimed he had no ill feelings towards Artemio. He averred that Jocelyn could have recognized his presence at Artemio's house because he shouted at her and Artemio to run. He did not see Sota that fateful night.^[15]

Saaban, a resident and a Barangay Kagawad of Barangay New Salvacion, Labason, testified that he knew Sota and Gadjadli. On 5 November 1999, he treated Sota, whose body had been swelling, with herbal medicine. Because Sota was not healed, he and Sota's parents brought him to Dr. Alpuerto at the Labason hospital. Dr. Alpuerto was also not able to cure Sota so his wife and mother brought him to Dipolog.^[16]

Saaban continued to treat Sota when he returned to Labason from Dipolog on 18 November 1999. Because of the enlargement of Sota's penis, he could not have walked from Balas to New Salvacion. When he went back to Sota for treatment on 20 November 1999 at about 4:00 a.m., he was informed that Sota had been arrested. He knew Artemio because their barangays, i.e., New Salvacion and Balas, respectively, are adjacent.^[17]

Janjali testified that he knew both Sota and Gadjadli. On 19 November 1999, Sota, on his way to see a doctor for his scabies, passed by Janjali's house at Barangay Salvacion, Labason. Sota proceeded to Dipolog because the person who was supposed to treat him was not around. He was sure that Sota arrived from Dipolog three days after Artemio had been killed because Sota passed by his (Janjali's) house.^[18]

The RTC Ruling

In its Joint Decision^[19] dated 19 October 2009, the RTC resolved these cases as follows:

WHEREFORE, judgment is hereby rendered as follows:

1. In **Criminal Case No. L-00355**, the [c]ourt finds the accused **GOLEM SOTA and AMIDAL GADJADLI** guilty beyond reasonable doubt of the crime of **Murder** defined and penalized under Art. 248 of the Revised Penal Code as amended by Sec. 6 of Republic Act 7659 as charged in the information, and hereby sentences each of them to suffer the penalty of ***Reclusion Perpetua***; to indemnify the heirs of the deceased **ARTEMIO EBA** the sum of P50,000.00 as civil indemnity for his death without subsidiary imprisonment in case of insolvency and to pay the costs of the suit.

2. **Criminal Case No. L-00356**, the court finds the accused **GOLEM SOTA and AMIDAL GADJADLI** guilty beyond reasonable doubt of the offense of **ARSON** penalized under Section 3, Paragraph 2, of Presidential Decree No. 1613 and sentences each of them to suffer the penalty of an indeterminate prison term of six (6) years for (4) months and twenty (20) days of *prision mayor* minimum as minimum to fourteen (14) years and two (2) months and ten (10) days of the minimum of reclusion temporal to *reclusion perpetua* as maximum may be imposed on the accused and to pay the heirs of the victim ARTEMIO EBA, the sum of Php30,000.00 representing the value of the house that was burned.

The accused **GOLEM SOTA and AMIDAL GADJADLI** being detention prisoners are entitled to be credited 4/5 of their preventive imprisonment in the service of their respective sentences in accordance with Article 29 of the Revised Penal Code.^[20]

The CA Ruling

The CA, Twenty-First Division found Jocelyn a credible witness who held her ground even during the cross-examination. The CA held that the requisites in order that

circumstantial evidence may be sufficient for conviction had been satisfied in these cases and which proved beyond reasonable doubt that Sota and Gadjadli, together with three other unidentified individuals, killed Artemio and burned his house. The CA however modified the decision of the RTC as to the penalties to be imposed on Sota and Gadjadli, and the damages to be awarded, viz:

IN LIGHT OF ALL THE FOREGOING, the Court hereby **AFFIRMS** with **MODIFICATIONS** the assailed Joint Decision dated October 19, 2009 of the Regional Trial Court, branch 28, Liloy, Zamboanga del Norte in Criminal Case Nos. L-00355 and L-00356. The accused-appellant Golem Sota and Amidal Gadjadli are found **GUILTY** for the crimes of MURDER and ARSON and are hereby sentenced to suffer the penalty of *reclusion perpetua* for the crime of Murder and an indeterminate prison term of six (6) years and one (1) day to twelve (12) years of *prision mayor* as minimum and twenty (20) years of *reclusion temporal* as maximum for the crime of Arson. Accused-Appellants Golem Sota and Amidal Gadjadli are further ordered to indemnify the heirs of Artemio Eba the amounts of Php75,000.00 as civil indemnity, P50,000.00 as moral damages, Php30,000.00 as exemplary damages and Php30,000.00 as temperate damages, plus legal interest on all damages awarded at the rate of six percent (6%) from the date of commission of the crimes and twelve percent (12%) from the date of finality of this decision.^[21]

ISSUE

The sole issue raised by Sota and Gadjadli in their Brief for Accused-Appellants^[22] which they adopted^[23] as their Supplemental Brief before the Court was:

THE COURT A QUO FAILED TO PROVE THE GUILT OF THE ACCUSED-APPELLANTS BEYOND REASONABLE DOUBT.

THE RULING OF THE COURT

The appeal has no merit.

The findings of the trial and appellate courts as to the credibility of Jocelyn were final and conclusive.

Time and again, the Court has held that when the issues involve matters of credibility of witnesses, the findings of the trial court, its calibration of the testimonies, and its assessment of the probative weight thereof, as well as its conclusions anchored on said findings, are accorded high respect, if not conclusive effect. This is so because the trial court has the unique opportunity to observe the demeanor of witnesses and is in the best position to discern whether they are telling the truth.^[24] The factual findings of the trial court, especially when affirmed by the CA, are generally binding and conclusive on this Court^[25] except on the following instances:

1. When the conclusion is a finding grounded entirely on speculation, surmises, and conjectures;