

SECOND DIVISION

[G.R. No. 207659, April 20, 2016]

**PEOPLE OF THE PHILIPPINES, PLAINTIFF-APPELLEE, VS.
FUNDADOR CAMPOSANO Y TIOLANTO, @ "Punday/Masta" AND
HERMAN' DE LOS REYES @ "YOB," ACCUSED-APPELLANTS.**

D E C I S I O N

DEL CASTILLO, J.:

This is an appeal from the October 17, 2012 Decision^[1] of the Court of Appeals (CA) in CA-G.R. CR-H.C. No, 04854 which affirmed with modification the March 15, 2010 Decision^[2] of Branch 199, Regional Trial Court (RTC) of Las Piñas City, in Criminal Case No. 01-0048, finding appellants Fundador Camposano y Tiolanto alias "Punday/Masta" (Camposano) and Herman de los Reyes alias "Yob" (De los Reyes) (appellants, collectively) guilty beyond reasonable doubt of the crime of murder and sentencing each of them to suffer the penalty of *reclusion perpetua*,

Factual Antecedents

Appellants were indicted for murder for stabbing the 16-year old minor Esmeraldo Ilao (Ilao) to death on January 11, 2001. The indictment against the two stemmed from the following Amended Information:

That on or about the 11th day of January, 2001, in the City of Las Piñas, Philippines, and within the jurisdiction of this Honorable Court, the above-named accused, conspiring and confederating together and both of them mutually helping and aiding each other, without justifiable motive with intent to kill and by means of treachery and evident premeditation, did then and there willfully, unlawfully and feloniously, attack, assault and stab with a deadly weapon (fan knife) one Esmeraldo Ilao y Guillemer, a sixteen (16) year old minor, which directly caused his death.

CONTRARY TO LAW.^[3]

Appellants pleaded not guilty to the foregoing Amended Information during their separate arraignment dates. After a pre-trial conference, trial on the merits followed.

Version of the Prosecution

The prosecution presented the following witnesses: Fidel Barreno Flores (Flores), Randy Gabion (Gabion), Alfred Kempis (Kempis), Joey Crudo (Crudo), Myrna Ilao-San Pedro (San Pedro), and Nicasio Saoi (Saoi). Their collective testimonies are

summarized as follows:

The first prosecution witness, Security Guard Flores, testified that at around 12:45 in the early morning of January 11, 2001, he was at the Al-ber Billiard Hall in Zapote Plaza, Las Piñas City playing billiards when he saw two persons chasing another person down the road. From a distance of about two meters, Flores saw the person being pursued fall face down on the ground. The two pursuers then stabbed the person they were chasing with what looked to him (Flores) as ice picks. The victim attempted to stand up but his two assailants continued to stab him, causing him to fall down anew on the pavement. At that point, the people within the immediate vicinity started to shout forcing the two assailants to flee from the crime scene. But as the two assailants passed by the door of the billiard hall, Flores saw their faces. Flores identified these assailants as Camposano, who was clad in an orange shirt, and De los Reyes who was wearing a black shirt.

Flores approached the fallen victim after the two assailants had fled the crime scene. Flores identified the victim as Ilao whom he (Flores) well knew because he (Flores) used to rent a room in Ilao's house. He then brought Ilao to the Las Piñas District Hospital. But Ilao was already dead by the time they reached the hospital.

Gabion, the second prosecution witness, testified that on the early morning of January 11, 2001, he was at the Al-ber Billiard Hall in Zapote Plaza where he witnessed Camposano and De los Reyes take turns in stabbing Ilao. Gabion claimed that he saw Ilao face down on the ground when Camposano went on top of him, held him by the neck, and stabbed him in the chest and both sides of his abdomen. Gabion claimed that he also saw De los Reyes, who was then in front of Ilao, stab the latter's lower back.

Gabion then screamed at the assailants, and Camposano and De los Reyes took to their heels in different directions. After this, Gabion went after Camposano but retreated when the latter pointed an ice pick at him. He later went back to the crime scene, only to find that Ilao had already been taken to a hospital.

The third prosecution witness, Kempis, testified that he was with Ilao when the latter was stabbed to death. According to Kempis, he and Ilao were then attending a birthday party at the Basa Compound in Zapote, Las Piñas City when a certain Ricky, a member of the *Tropang Fugazi/Pugasi*, told them that the herein appellants whom this eyewitness had known "for a long time" were challenging Ilao to a fight, a challenge which came as a surprise to the now deceased Ilao. After he and Ilao had eaten *goto* at the Zapote Plaza they sensed that the assailants noticed their presence so they scampered away. However, he (Kempis) was able to see when De los Reyes hit Ilao's head with a "2 x 2" lumber, as he (Kempis) was only six meters away from these two. He also saw the other appellant Camposano stab Ilao on the chest with a *tres cantos* ice pick. Kempis fled to look for help but when he returned with some friends, Ilao had already been brought to a hospital.

The fourth prosecution witness, Crudo, testified that just prior to the stabbing incident, he and Ilao and two other friends, Ampy and Lloyd, decided to eat porridge at the Zapote Plaza, Las Piñas City at about 1:20 o'clock that early morning of January 11, 2001. While there, he saw the appellants and five of their companions. Sensing trouble, he (Crudo) and his companions quickly scampered away in different directions, with the now deceased Ilao being joined by Ampy.

Unfortunately, Ilaol fell down on the ground and in that situation De los Reyes stabbed Ilaol on the chest with a *tres cantos* ice pick. He (Crudo) then called for their friends and went after the two appellants, but did not catch up with them.

The fifth prosecution witness, San Pedro, is the aunt of the late Ilaol and his nearest relative. She was presented to testify on the expenses incurred by them for the hospitalization, burial, and other expenses of Ilaol. This witness claimed that they spent the sum of P35,000.00 for Ilaol's hospitalization, burial and other expenses.

The sixth prosecution witness, Saol, is the records custodian of the Medico Legal Division of the National Bureau of Investigation. This witness identified Autopsy Report No. N-01-36 which was prepared by Dr. Ronaldo Mendez who autopsied Ilaol's cadaver. Autopsy Report No. N-01-36 showed that the cause of Ilaol's death was stab wounds.

Version of the Defense

Both appellants denied the charges against them.

Camposano testified that at around 1:30 o'clock in the morning of January 11, 2001, he and his six companions, all members of the Fugazi/Pugasi Gang, were on their way to a friend's house. As they were crossing Zapote bridge, someone threw a pillbox at them, causing them to run away to avoid the explosion. They encountered the Sad Army gang and a brawl ensued. As a result, he was stabbed in the chest. Because of his wound, he was confined for a week at the Parañaque Community Hospital. He claimed that he was arrested at the said hospital.

To corroborate Camposano's testimony, the defense presented the following witnesses: Dr. Renato Borja (Dr. Borja), SJ04 Ernie Servando (SJ04 Servando), Rizalina Suarez (Suarez), and Dr. Cornelio Carandang (Dr. Carandang). Their collective testimonies are summarized as follows.

The first witness for the defense, Dr. Borja, a medical doctor, claimed that on January 11, 2001, past 12:00 o'clock in the early morning, Camposano came to the emergency room of the Parañaque Community Hospital "stooped and clutching his chest;" and that Camposano told him that there was a rumble during which he was stabbed in the nipple area. Dr. Borja said that he treated Camposano for a wound on his chest.

The second witness for the defense, SJ04 Servando, the Chief of the Records Section of the Bureau of Jail Management and Penology of Las Piñas City, testified that according to the records of their office, Camposano had an injury at the time he was committed to their office on January 17, 2001.

The third witness for the defense, Suarez, is a civilian nurse at the Las Piñas City Jail. This witness testified that she personally attended to Camposano's stab wound after he was committed to the Las Piñas City Jail on January 17, 2001. She claimed that she dressed and sutured the wound and monitored Camposano's vital signs and medications.

The fourth witness for the defense, Dr. Carandang, a medical consultant at the City Health Office of Las Piñas City, testified that he examined Camposano on January

17, 2001 at around 10:35 o'clock in the morning; that Camposano had a stab wound on the right chest; that Camposano had earlier been treated by another physician who found Camposano to have sustained a stab wound of undetermined depth on the right side of his chest.

Appellant De los Reyes interposed alibi, and denied any participation in the killing of Ilao. He asserted that on the early evening of January 10, 2001, he was at the house of a friend with whom he had a drinking spree that lasted until about 11:00 o'clock that same evening; that after this drinking session he invited his friends to his house where they had supper and watched DVD movies. De los Reyes averred that he and his aunt also watched DVD movies at home until 12:30 o'clock in the early morning of January 11, 2001.

To support his alibi and denial, De los Reyes presented his friend Marco Polo Lyon (Lyon) and his aunt Leticia Buencamino (Buencamino).

Lyon testified that he and De los Reyes were at his (Lyon's) house during their drinking spree, which began at around 10:30 o'clock in the evening of January 10, 2001; that after this, they went to De los Reyes's house at Daniel Fajardo Street in Las Piñas City, where they took supper and watched DVD movies; and that at about 2:00 o'clock in the morning of the following day, they went home.

Buencamino, aunt of the appellant De los Reyes and a resident of 163 Daniel Fajardo Street at Las Piñas City, testified that at around 12:00 midnight that same day, January 11, 2001, her nephew De los Reyes, and his friend went to their house to watch DVD,

Ruling of the Regional Trial Court

On March 15, 2010 the RTC of Las Piñas City, Branch 199, rendered its Decision finding appellants guilty beyond reasonable doubt of the crime of murder and sentenced each of these two to suffer the penalty of *reclusion perpetua*. The RTC appreciated the qualifying aggravating circumstance of treachery, having found that both appellants employed means which directly and specially insured that their slaying of Ilao was without risk to themselves on account of any retaliatory acts that their victim might make or take. The RTC held that the assault that these two mounted against their victim which resulted in the latter's violent death, was sudden and unexpected, affording the latter no chance at all to defend himself.

The dispositive part of the RTC's Decision reads:

WHEREFORE, the court finds both accused FUNDADOR CAMPOSANO y TIOLANTO @ Punday/Masta and HERMAN DE LOS REYES @ Yob, GUILTY beyond reasonable doubt of the crime of MURDER and is hereby sentenced to suffer a penalty of RECLUSION PERPETUA with the accessory penalty of the law. Further, both accused are hereby ORDERED to pay jointly and severally the heirs of the victim the amounts of P50,000.00 as civil indemnity and P35,000.00 as actual damages. Moreover, inasmuch as moral damages are mandatory in cases of murder (without need to allege and prove such damages), both accused is likewise ordered to indemnify the heirs of the victim P50,000.00.

Lastly, since the killing of the minor victim was attended by treachery, his heirs are entitled to exemplary damages in the amount of P25,000.00.

Let a copy of this Decision be furnished the Prosecution, the accused as well as their counsels.

SO ORDERED.^[4]

From this judgment, appellants interposed an appeal to the CA.

Ruling of the Court of Appeals

In its Decision of October 17, 2012, the CA upheld the RTC and ruled that appellants killed Ilao with treachery. The CA agreed with the RTC that the prosecution witnesses had positively identified the appellants as the perpetrators of the crime.

The CA gave short shrift to the appellants' bare denial and alibi. The CA held that the appellants did not at all prove that it was indeed physically impossible for them to be at the crime scene during or at the time the crime was committed. In its overall assessment, the CA considered the positive testimonies of the prosecution witnesses far superior to the appellants' self-serving denial and alibi.

The CA thus disposed as follows:

WHEREFORE, the appeal is DISMISSED. The assailed Decision of the trial court dated March 15, 2010 is AFFIRMED with MODIFICATION. Appellants FUNDADOR CAMPOSANO y TIOLANT[O] and HERMAN DE LOS REYES are found GUILTY beyond reasonable doubt of MURDER and are hereby sentenced to suffer the penalty of reclusion perpetua. Appellants FUNDADOR CAMPOSANO y TIOLANT[O] and HERMAN DE LOS REYES are also ordered to pay jointly and severally the heirs of Esmeraldo Ilao the amounts of P50,000.00 as civil indemnity, P35,000.00 as actual damages, P50,000.00 as moral damages and P30,000.00 as exemplary damages.

SO ORDERED.^[5]

Hence, the present recourse before this Court.

Assignment of Errors

In their Appellant's Brief,^[6] appellants argue that the courts below erred in finding that their guilt had been proved beyond reasonable doubt; that the testimonies of the witnesses for the prosecution did not dovetail in all particulars: (1) with regard to the weapon used in killing the victim, (2) with regard to the relative position of the appellants when they inflicted the mortal stab wound/s on their victim; (3) with regard to who between the two appellants was the first to inflict the stab wound on the victim. Appellants also bewail that the witnesses for the prosecution could not