

## EN BANC

[ G.R. No. 172370, October 06, 2008 ]

**PEOPLE OF THE PHILIPPINES, PLAINTIFF-APPELLEE, VS.  
FLORENDA CASTRO AND CHRISTOPHER TALITA, ACCUSED-  
APPELLANTS.**

### D E C I S I O N

**REYES, R.T., J.:**

THE BRUTAL crimes of parricide and murder are on target in this automatic review of the Decision<sup>[1]</sup> of the Court of Appeals (CA) affirming with modification that of the Regional Trial Court (RTC) in Malolos, Bulacan. The RTC found appellant Florenda Castro guilty of parricide and murder for the death of her husband and father-in-law, respectively, and her co-appellant Christopher Talita liable for two counts of murder, sentencing them to suffer the supreme penalty of death.

#### **The Facts**

On May 17, 1998, appellant Christopher Talita contracted the services of the victims Elpidio and Alfredo Castro, father and son, for the installation of window grills at an unspecified location in Santol, Balagtas, Bulacan. The Castros agreed to undertake the job for a consideration of P90.00 per square feet. They received instructions to proceed to Santol the next day, May 18. They were to look for a certain Betty, who was supposed to show them where the job was to be done.<sup>[2]</sup>

Alfredo and his welder Jaime Carrazcal did as they were told. They, however, failed to locate Betty in Santol. That same night, Christopher re-emerged at the Castro household in Pandi, Bulacan and volunteered to accompany them to the job site the next morning.<sup>[3]</sup>

On May 19, at around 7:00 a.m., appellant Christopher arrived on schedule. Elpidio excused himself to fetch their service vehicle, an owner-type jeepney. Alfredo, together with his mother Lolita de Leon Castro, waited for the elder Castro at the balcony of their home while Christopher and Jaime waited on the street below.<sup>[4]</sup>

As Elpidio arrived on board the service jeepney, he turned to Christopher and said "*Pare, sandali lang.*" He then instructed Alfredo and Jaime to board the vehicle. Jaime was the first to board and took the back seat. As Alfredo was about to enter the vehicle's passenger side, Christopher unexpectedly drew a .38 caliber revolver. He then fired at Alfredo twice, hitting him in the head. At that time, Alfredo and Christopher were a mere arms-length of each other.<sup>[5]</sup>

Christopher then went around the jeepney and trained his gun at Elpidio, shooting him twice. Elpidio instantly fell down. As Alfredo lay sprawled on the ground,

Christopher shot him again.<sup>[6]</sup>

Jaime immediately got down from the vehicle as the first shot was fired. He hid for cover at a nearby fence.<sup>[7]</sup>

After the shooting, Christopher stood at the crime scene, waiting for something. A few minutes later, a mint green Nissan Sentra arrived. In it were three passengers, including appellant Florenda, who was seated behind the driver. The door at the passenger side of the said car was open. Christopher boarded the car, which then sped away from the *locus criminis*.<sup>[8]</sup>

Alfredo died instantaneously from massive external and intracranial hemorrhage due to multiple gunshot wounds. Elpidio was rushed to the nearest hospital where he was treated for injuries in the abdomen and thorax. He expired two days later.<sup>[9]</sup>

According to Lolita Castro, she incurred P142,500.00<sup>[10]</sup> for the hospitalization of Elpidio Castro and P260,000.00<sup>[11]</sup> for the wake and burial expenses of the two victims. However, only P262,520.00 is substantiated by proper receipts.<sup>[12]</sup>

On December 11, 1998, appellant Florenda was indicted for parricide and murder for the death of her husband Alfredo and father-in-law Elpidio, respectively. Appellant Christopher was charged with two counts of murder. The two separate amended informations against appellants bear the following accusations:

Criminal Case No. 1087-M-98 (Murder):

That on or about the 19<sup>th</sup> day of May 1998 in the municipality of Pandi, province of Bulacan, Philippines, and within the jurisdiction of this Honorable Court, the above-named accused, conspiring, confederating and mutually helping one another, armed with a gun and with intent to kill one Elpidio Castro y de Leon, did then and there willfully, unlawfully and feloniously, with evident premeditation and treachery, attack, assault and shoot with the said gun said Elpidio Castro y de Leon, hitting the latter on the different parts of his body, thereby inflicting mortal wounds which directly caused his death.<sup>[13]</sup>

Criminal Case No. 1087-M-98 (Parricide):

That on or about the 19<sup>th</sup> day of May 1998 in the municipality of Pandi, province of Bulacan, Philippines, and within the jurisdiction of this Honorable Court, the above-named accused, having deliberately planned to kill Alfredo Castro with whom she was united in a lawful wedlock, conspiring and confederating with one another, accused who were armed with a gun, did then and there wilfully, unlawfully and feloniously, with treachery and evident premeditation, attack, assault and shot with said gun said Alfredo Castro, hitting him in the head and chest thereby inflicting mortal wounds which directly caused his death.<sup>[14]</sup>

At their arraignment, both appellants entered a negative plea. Trial on the merits ensued.

The evidence for the People, which portrayed the foregoing facts, was principally supplied by Godofredo del Rosario, Christopher del Rosario, Francisco Domingo, Jaime Carrazcal, Ruperto Cruz and Lolita de Leon Castro, wife to Elpidio and mother to Alfredo.

It was further revealed that appellant Florenda and the victim Alfredo had been separated since February 1998. Florenda also had a falling-out with her father-in-law over an unpaid debt. Elpidio likewise resented Florenda's bad credit standing which tended to bring shame to the Castro name.<sup>[15]</sup>

Florenda did not attend the five-day wake of her husband and father-in-law. On the date of the burial, however, she was seen filing a claim for death benefits before the Bureau of Customs, where her husband was previously employed.

Upon the other hand, denial and alibi were appellants' main exculpating line. For her part, appellant Florenda narrated that she and the victim Alfredo were married on February 13, 1993. They established a conjugal abode in Pandi, Bulacan, adjacent to that of her parents-in-law. Alfredo was a former employee of the Bureau of Customs. He was also a part-time public works contractor.<sup>[16]</sup>

Florenda testified that the first five years of her marriage with Alfredo were blissful, although they failed to conceive a child of their own. Sometime in February, 1998, she decided to leave their home in Pandi after she and Alfredo had a heated argument. She refused to extend a loan amounting to P380,000.00 to her brother-in-law. She moved to Makati City and stayed with the family of her son from a previous marriage.<sup>[17]</sup>

She denied that she was in Pandi, Bulacan the day her husband Alfredo and father-in-law Elpidio were shot to death. According to Florenda, she could not have left their Makati home because at that time, her right leg was swollen due to diabetes-induced boils. She likewise had no Nissan Sentra car. Anent her failure to visit the wake of her husband, she intimated that it was due to the prodding of a certain Mayor Andres of Pandi. The mayor informed her that she was a suspect in the twin killings.<sup>[18]</sup>

Appellant Christopher denied that he knew appellant Florenda. He testified that he was in Taguig City and not in Pandi, Bulacan, on the day of the incident. He likewise denied contracting the services of the Castros for the installation of window grills. He knew of no reason why the prosecution witnesses would point to him as the gunman in the shooting of Alfredo and Elpidio Castro. At present, he is serving sentence at the New Bilibid Prisons in Muntinlupa City for a different murder conviction by a Parañaque court.<sup>[19]</sup>

### **RTC and CA Dispositions**

On August 16, 2002, the trial court handed down a judgment of conviction, disposing as follows:

WHEREFORE, the foregoing considered, this Court hereby finds accused Florenda Castro GUILTY beyond reasonable doubt of the crimes of Murder

in Crim. Case No. 1087-M-98 and Parricide in Crim. Case No. 1088-M-98, and accused Christopher Talita GUILTY beyond reasonable doubt of two counts of Murder for Crim. Cases Nos. 1087 and 1088-M-98, and sentences each of them to suffer the penalty of DEATH for each count and to pay private complainant Lolita de Leon Castro the amounts of P150,000.00 (P75,000.00) as civil indemnities for the death of Elpidio Castro and Alfredo Castro, P100,000.00 (P50,000.00 each) as moral damages, P50,000.00 (P25,000.00 each) as exemplary damages, P402,500 as actual damages, and the costs of suit.

SO ORDERED.<sup>[20]</sup>

Pursuant to *People v. Mateo*,<sup>[21]</sup> which modified Rules 122, 124 and 125 of the 2000 Rules of Criminal Procedure insofar as they provide for direct appeals from the RTC to this Court in cases in which the penalty imposed by the trial court is death, *reclusion perpetua* or life imprisonment, this case was referred to the CA for intermediate review.

On March 16, 2006, the CA rendered judgment affirming with modification that of the RTC. The *fallo* of the said decision reads:

WHEREFORE, in view of the foregoing, the decision dated August 16, 2002 of the Regional Trial Court of Malolos, Bulacan, Branch 78, in Criminal Case Nos. 1087-M-98 and 1088-M-98, convicting accused-appellant FLORENDA A. CASTRO of murder and parricide, and accused-appellant CHRISTOPHER G. TALITA, of two counts of murder, and sentencing them to suffer the penalty of DEATH in both cases, is hereby AFFIRMED with the MODIFICATION that accused-appellants are ordered:

(1) in Criminal Case Nos. 1087-M-98 and 1088-M-98, to pay solidarily (in solidum) the heirs of the victims Elpidio Castro and Alfredo Castro the amount of P264,520.00 in actual damages;

(2) in Criminal Case No. 1087-M-98, to pay solidarily (in solidum) the heirs of the victim Elpidio Castro the amounts of P50,000.00 as civil indemnity, P25,000.00 as exemplary damages and P50,000.00 as moral damages; and

(3) in Criminal Case No. 1088-M-98, to pay solidarily (in solidum) the heirs of the victim Alfredo Castro the amounts of P50,000.00 as civil indemnity, P25,000.00 as exemplary damages and P50,000.00 as moral damages.

SO ORDERED.<sup>[22]</sup>

Hence, this review.

### **Issues**

On June 13, 2006, the Court resolved to require the parties to file their respective supplemental briefs, if they so desired. In a Manifestation dated July 5, 2006, the Office of the Solicitor General (OSG), representing the People, informed the Court

that it would no longer file a supplemental brief; it was adopting its main brief on record. Appellants likewise omitted to submit a supplemental brief.

In the main, appellants impute to the trial court twin errors, *viz.*:

I.

THE PROSECUTION FAILED TO PROVE THE GUILT OF THE ACCUSED-APPELLANTS BEYOND REASONABLE DOUBT;

II.

THE HONORABLE COURT ERRED IN HOLDING THAT ACCUSED, FLORENDA CASTRO, CONSPIRED WITH HER CO-ACCUSED, CHRISTOPHER TALITA, IN ALLEGEDLY KILLING ELPIDIO CASTRO AND ALFREDO CASTRO. (Underscoring supplied)<sup>[23]</sup>

**Our Ruling**

**I. Proof of guilt beyond reasonable doubt.**

A. Alleged contradiction vis-à-vis positive testimonies

In minimizing the sufficiency of the proof of their guilt, both appellants assail the contradictory testimonies and credibility of prosecution witnesses. According to them, there is conflict as to the position of Alfredo prior to and at the time of the shooting; as to the entry and exit points of the bullets fired; as to when witness Jaime started to run away; and as to the origin, position, model and color of the get-away vehicle. They harp on these inconsistencies, claiming that these do not refer merely to trivial matters but strike at the very manner of the commission of the crime.

We have consistently ruled that not all inconsistencies in the witnesses' testimony affect their credibility. Inconsistencies on minor details and collateral matters do not affect the substance of their declaration, their veracity, or the weight of their testimonies.<sup>[24]</sup> Thus, although there may be inconsistencies on the testimonies of witnesses on minor details, they do not impair credibility where there is consistency in relating the principal occurrence and positive identification of the assailants.<sup>[25]</sup>

In *People v. Sabalones*,<sup>[26]</sup> it was alleged that the prosecution account had inconsistencies relating to the number of shots heard and the interval between the gunshots and the victims' positions when they were killed. The Court dismissed those allegations as "minor and inconsequential flaws" which strengthen, and rather than impaired, the credibility of said eyewitnesses. In the same breath, the Court held then that "such harmless errors are indicative of truth, not falsehood,"<sup>[27]</sup> and did not cast serious doubt on the veracity and reliability of the testimony of complainant. Also, in *People v. Gonzales*,<sup>[28]</sup> the Court held that testimonial discrepancies could be caused by the natural fickleness of memory which tends to strengthen rather than weaken credibility as they erase any suspicion of rehearsed testimony.