

## FIRST DIVISION

[ G.R. No. 144386, January 23, 2002 ]

**PEOPLE OF THE PHILIPPINES, PLAINTIFF-APPELLEE, VS.  
JULIETO RAMA Y MALOLOYO, ALEX DALAYAO Y MANCAWAN,  
(ACQUITTED) AND RONNIE DALAYAO Y MANCAWAN  
(ACQUITTED), ACCUSED.**

**JULIETO RAMA Y MALOLOYO, ACCUSED-APPELLANT.**

### D E C I S I O N

**DAVIDE JR., C.J.:**

Accused-appellant JULIETO RAMA y MALOLOYO (hereafter JULIETO) appeals from the 15 May 2000 decision<sup>[1]</sup> of the Regional Trial Court, Branch 8, City of Malaybalay, in Criminal Case No. 8627-97, which found him guilty of murder and sentenced him to suffer the penalty of *reclusion perpetua* and to pay the heirs of the victim, Florenda Son y Oplas, in the amount of P50,000.

JULIETO and his two co-accused, Alex Dalayao y Mancawan (hereafter Alex) and Ronnie Dalayao y Mancawan (hereafter Ronnie), were charged with robbery with homicide in an amended information<sup>[2]</sup> dated 19 March 1998 and filed on 24 March 1998. It reads as follows:

The undersigned Assistant Provincial Prosecutor accuses JULIETO RAMA y MALOLOYO, who claims to have been born on December 29, 1979, at Balamban, Cebu, *ALEX DALAYAO y MANCAWAN, who claims to have been born on February 20, 1979, at Mailag, Valencia, Bukidnon* and *RONNIE DALAYAO y MANCAWAN, who claims to have been born on May 30, 1972, at Bugcaon, Lantapan, Bukidnon* of the crime of ROBBERY WITH HOMICIDE committed as follows, to wit:

That on or about the 9<sup>th</sup> day<sup>[\*]</sup> of July 1997, in the afternoon, at the house of Mrs. Florenda Son y Oplas at sitio Intavas, barangay La Fortuna, municipality of Impasugong, province of Bukidnon, Philippines, and within the jurisdiction of this Honorable Court, the above-named accused, conspiring, confederating and mutually helping one another, with intent of gain entered the house of Nicolas Son and once inside, did then and there willfully, unlawfully and criminally take, rob and carry away cash amounting to TEN THOUSAND PESOS (P10,000.00), Philippine Currency, belonging to NICOLAS SON y LEGASPI in the aforementioned amount.

That on the occasion of the said robbery the above-named accused acting on the same conspiracy, with intent to kill armed with a dagger, did then and there willfully, unlawfully and criminally attack, assault and stab FLORENDA SON y OPLAS, hitting and inflicting upon her person the

following wounds, to wit:

- 2 stab wounds 2-3 inches below the right nipple
- 1 stab wound, 2-3 inches left below the breast
- laceration, 5 inches left wrist
- stab wound 2 inches at the back

which caused the instantaneous death of FLORENDIA SON y OPLAS, to the damage and prejudice of the legal heirs of FLORENDIA SON y OPLAS in such amount as may be allowed by law.

Contrary to and in violation of Article 294 of the Revised Penal Code as amended by Republic Act No. 7659.

Each of the accused entered a plea of not guilty upon arraignment.<sup>[3]</sup>

The witnesses presented by the prosecution at the trial were Dominador Evangelista, Nicolas Son and policeman Venerando Daw-on.

Dominador Evangelista knew JULIETO, a farm worker who stayed for two months with the spouses Nicolas and Florendia Son in Intabas, La Fortuna, Impasugong, Bukidnon. Evangelista lived two kilometers away from the Sons. In the afternoon of 9 July 1997, he was plowing his farm, which was adjacent to the home of the Sons. He saw JULIETO and two others having a drink as they sat outside the kitchen of the Sons' home. Their heads were covered with cloth, exposing only their eyes and noses, which was the customary attire of the farm workers. Evangelista was about ten meters away and he only recognized JULIETO, who was facing him directly when the latter removed the cloth from his head. About fifteen minutes later, he heard a scream from the house of the Sons. It sounded like Florendia crying for help. He immediately ran to the house to see what was happening.<sup>[4]</sup>

When Evangelista arrived, he saw JULIETO rushing out of the house. His two companions were ahead of him as they fled. When he saw the blood-soaked Florendia lying on the floor, he immediately sought the couple's son, Ian, who was tending to the nearby cornfield. They rushed back to the house along with four other workers and, upon seeing his mother, Ian asked her what had happened. Florendia replied that she was stabbed by JULIETO and his two companions and they also took their money. They laid Florendia on a carriage then proceeded to the barrio, but she died along the way.<sup>[5]</sup>

Evangelista surmised that the money taken from the Sons amounted to P10,000. He admitted, however, that he had no opportunity to see JULIETO's companions.<sup>[6]</sup>

Nicolas Son, husband of the victim Florendia, declared that JULIETO was hired as a farm worker and he had been working for them for at least two months before the incident. During that time, JULIETO lived with them.<sup>[7]</sup> In the afternoon of 9 July 1997, while he was working on a tomb at the town cemetery, a neighbor arrived to inform Nicolas that his wife had been stabbed. He ran home and met along the way the group that was rushing Florendia to the town proper on a carriage being pulled by a carabao. He helped them but they had not gone far when Florendia died. Nonetheless, they still proceeded to the town proper to inform the barangay captain

of the incident. It was only then that he heard from their neighbor, Dominador Evangelista, what had happened.<sup>[8]</sup>

Nicolas later learned that JULIETO and his companions were apprehended, but they were able to escape. The following day, JULIETO was arrested anew and Nicolas filed a complaint against him. When he saw JULIETO at the police station, he asked why he killed Florenda. JULIETO denied stabbing her and, instead, pointed to his co-accused, Alex and Ronnie Dalayao, as the perpetrators of the crime. The two were eventually arrested.<sup>[9]</sup>

Florenda sustained wounds on her face, breast, hand, back and legs. Nicolas also claimed that about P10,000 worth of savings and sales were stolen by the malefactors. At the time of her death, Florenda was 41 years old, with four children. She also owned the farm which earned for them about P20,000 per harvest.<sup>[10]</sup>

SPO1 Venerando Daw-on received a radio message in the afternoon of 9 July 1997. He was informed of a murder and robbery committed in Intabas. The three suspects were apparently heading toward their barangay. He gathered the *tanod* members and instructed them to be on the look-out for the suspects. After being tipped off that the suspects were walking three blocks away, he instructed the driver of a passenger jeep to lure the suspects inside the vehicle. When the suspects boarded the jeep, they blocked the vehicle and requested all passengers to alight. Three suspicious men, whose clothes were wet, attracted their attention. Only one of them got off the vehicle. For their defiance, he had the two suspects handcuffed. When asked where they had come from, the men replied that they were from Intabas. But when they were further questioned as to where they were going, the men resisted, and one even threatened them with a hand grenade. During the trial, he pointed to Ronnie as the one who took the hand grenade from the bag of JULIETO.<sup>[11]</sup>

The three were able to take advantage of the darkness in escaping, but JULIETO was apprehended the following day and brought to the police station at Impasugong, Bukidnon. He was interrogated by the Chief of Police.<sup>[12]</sup> SPO1 Daw-on later identified the accused as the suspects they had initially apprehended.

The version of the defense established contrariant facts.

Alex Dalayao testified that he and Ronnie are brothers. Prior to his detention, he lived with his sister in Can-ayan, Malaybalay City, and worked as a farmer of a certain Boy Ignar in Tigbawan, about an hour's ride away by horseback. He denied knowing the Sons and Dominador Evangelista, as well as having been in Intabas at any time.<sup>[13]</sup>

In the morning of 9 July 1997, he had breakfast in the house of his sister before proceeding to Tigbawan to plow the land of Ignar. He remained there from morning until 4:00 p.m. At that time his brother Ronnie was living with their grandmother at Bugcaon, Lantapan, Bukidnon. He even visited them the following month. On 9 March 1998, he and Ronnie were arrested at the home of their grandmother's neighbor and brought to Impasugong. He denied any participation in the death of

Florenda Son or the robbery that took place.<sup>[14]</sup>

For his part, Ronnie Dalayao testified that he knew JULIETO's parents since he had his early education in the latter's hometown, but he denied knowing JULIETO himself, the Sons and Dominador Evangelista, or that he had also ever set foot in Intabas.<sup>[15]</sup> Prior to his detention, he was living with his grandmother at Bugcaon, Lantapan, Bukidnon. He worked for his grandmother and uncle.

In the morning of 9 July 1999, Ronnie was in Bugcaon, preparing for his grandmother's birthday the following day. He was with his relatives the whole day, sleeping only at dawn. That morning he remained in Bugcaon as it was the birthday of his grandmother. As to the whereabouts of his brother Alex, he knew that he was in Can-ayan at that time.<sup>[16]</sup>

It was only when they were apprehended on 9 March 1998, while they were having supper at the house of their grandmother's neighbor, that they realized they were being accused for the death of Florenda Son.<sup>[17]</sup>

On the other hand, JULIETO admitted knowing the spouses Nicolas and Florenda Son. Nicolas was his relative. Prior to Florenda's death, he had been living with them in Intabas as their gardener. In the morning of 9 July 1997, he was accompanied by the couple's son Ian to get fertilizers in the house. They and about ten other workers applied the fertilizers in the cornfield, which was just about a hundred meters from the house. They had lunch at the couple's house and then returned to work. At about 2:30 in the afternoon, while Nicolas was in the cemetery and they were in the field, they heard Dominador Evangelista shouting that Florenda had been robbed and killed. When they arrived at the house, he saw that Florenda was already dead. Ian asked for his help to bring her to the hospital. Evangelista and other laborers assisted them in loading Florenda on a carriage. By the time they brought the body to the barangay hall, Nicolas had already joined them. He was requested by Nicolas to go to his hometown so that his parents may be informed of Florenda's death.<sup>[18]</sup> JULIETO attended Florenda's wake that night and left in the morning. While on the way, however, he was arrested by the police as a suspect in the robbing and killing of Florenda Son. He denied the accusation and ended up being mauled. He was brought to and was detained at the municipal hall, where Nicolas and Ian visited him. He told them that he had nothing to do with Florenda's death.<sup>[19]</sup>

In its decision<sup>[20]</sup> of 15 May 2000, the trial court convicted JULIETO of murder and acquitted his co-accused Alex and Ronnie Dalayao. It decreed as follows:

WHEREFORE, judgment is hereby rendered to acquit accused Alex Dalayao and Ronnie Dalayao for insufficiency of evidence. With respect to accused Julieto Rama, this court finds him guilty beyond reasonable doubt of the single crime of murder only, as defined and penalized under Republic Act No. 7659, and he is accordingly sentenced to suffer the penalty of *reclusion perpetua*. He is further ordered to indemnify the heirs of his victim Florenda Son the sum of P50,000.00.

The acquittal of Alex and Ronnie was based on the trial court's serious doubt on their culpability. Prior to the commission of the crime, all the witnesses for the