

## FIRST DIVISION

[ G.R. No. 128105, January 24, 2001 ]

**PEOPLE OF THE PHILIPPINES, PLAINTIFF-APPELLEE, VS.  
LUDRING VALDEZ, ALLEN VALDEZ, JOSE TABOAC, JR. AND  
AMANDITO T. TABION, ACCUSED.**

**LUDRING VALDEZ, CCUSED-APPELLANT.**

### D E C I S I O N

**PARDO, J.:**

The case before the Court is an appeal from the decision<sup>[1]</sup> of the Regional Trial Court, Pangasinan, Branch 45, Urdaneta convicting Ludring Valdez and Jose Taboac, Jr., of murder, sentencing them to *reclusion perpetua* and to pay jointly and severally the heirs of the deceased Eusebio Ocreto in the amount of P50,000.00, as indemnity for the death of the victim, P20,000.00 as actual damages, P200,000.00 as moral damages, and costs.

On May 17, 1993, Assistant Provincial Prosecutor Jaime V. Veniegas of Pangasinan filed with the Regional Trial Court, Pangasinan, an information charging Ludring Valdez, Jose Taboac, Jr., Allan Valdez, and Amandito T. Tabion with murder, committed as follows:

"That on or about the 9th day of January, 1993, in the evening, at barangay Sto. Domingo, municipality of Urdaneta, province of Pangasinan, Philippines and within the jurisdiction of this Honorable Court, the above-named accused, armed with big stone (Boulder) and sharp pointed bladed weapons, conspiring, confederating and mutually helping one another, with deliberate intent to kill, with treachery and evident premeditation, taking advantage of superior strength and nighttime, did then and there willfully, unlawfully and feloniously attack, assault, kick, hit with big stone (boulder), stab, Eusebio Ocreto in the vital parts of his body and head inflicting upon him fatal injuries and decapitate him, which directly caused his death, to the damage and prejudice of his heirs.

"The crime was committed by the accused with the aggravating circumstances of use of superior strength, nighttime and cruelty, by decapitating the victim.

"CONTRARY to Art. 248, par. 6, Revised Penal Code."<sup>[2]</sup>

At the arraignment on April 21, 1994, accused Ludring Valdez and Jose Taboac, Jr., pleaded not guilty.<sup>[3]</sup> Accused Amandito Tabion reportedly died, but no certificate of death was submitted to the court. Accused Allan Valdez, son of accused Ludring

Valdez, remained at large. Subsequently, trial on the merits ensued.

The facts are as follows:

On January 9, 1993, at around 11:00 in the evening, Amanda Tabion, public school teacher, was in her house in Sto. Domingo, Urdaneta, Pangasinan, when she heard a motorcycle stop in front of her house and loud voices outside. One of the voices sounded as if someone was being tortured, so Amanda went out of her house to investigate. Amanda stepped out to the back of her house and saw four men surrounding Eusebio Ocreto, whom she knew since childhood. Wondering what the men were up to, Amanda hid behind a plant and watched them. Moonlight illuminated the four accused, Allan Valdez, Ludring Valdez, Itong Tabion and Jose Taboac, Jr. Amanda recognized them from a distance of 10 meters. Accused Ludring Valdez, who was facing Amanda, repeatedly hit Eusebio Ocreto on the head and body, using large stones or boulders. The other accused looked on. Eusebio remained lying on the ground, unmoving.

After a few seconds, accused Ludring Valdez stopped hitting Eusebio. Thereafter, the four accused carried the body of Eusebio on their shoulders and boarded a tricycle. They headed towards the provincial road leading to Nancayasan, Urdaneta, Pangasinan.

Amanda returned to her house, shivering with fear. She learned the following morning that Eusebio Ocreto was missing.

On January 10, 1993, at 5:00 in the afternoon, the headless body of a man was found. It was brought immediately to the funeral parlor for autopsy.

Dr. Ramon Gonzales, municipal health officer of Urdaneta, Pangasinan,<sup>[4]</sup> conducted a *postmortem* examination of the body which policemen identified as Eusebio Ocreto's. Dr. Gonzales observed that the victim sustained thirteen stab wounds at the back of the body and opined that the different sizes of the wounds showed that they might have been inflicted by two or more assailants.<sup>[5]</sup> He was not able to determine which of the stab wounds were fatal because of the decapitation. He was not able to examine the head of the deceased.<sup>[6]</sup>

The decapitated head of Eusebio Ocreto was discovered two days afterwards. It was buried one foot deep, more than one hundred meters away from where the body of the victim was found. When it was dug up, it was in a state of decomposition. The place where the victim was attacked and assaulted was fifty meters away from where his head was found, and fifteen meters away from where the body was located.<sup>[7]</sup>

Accused Ludring Valdez denied the accusations and testified<sup>[8]</sup> that on January 9, 1993, he was at the house of Gregorio Saculles in Barangay Sto. Domingo, San Manuel, Pangasinan. The daughter of Saculles was getting married, so the friends of the father of the bride gathered to celebrate. At around 9:00 in the evening, after consuming several bottles of beer, accused Ludring Valdez left the party, together with Renato Rebebes, Juanito Tabion, Gil Tabion, Jose Taboac, Jr. and Allan Valdez. They rode a tricycle and parted ways at the crossing of Sto. Domingo, Urdaneta, Pangasinan. Afterwards, accused Ludring Valdez and his son, Allan, walked

approximately fifty meters to their house. They reached their house at around 10:00 in the evening. Accused Ludring Valdez went to sleep and did not leave his house thereafter.

The following day, accused Ludring Valdez, Jose Taboac, Jr., Amandito Tabion, Allan Valdez, Vilma Valdez and Remedios Romero rode a tricycle to San Manuel, Pangasinan, to attend the wedding ceremony of Saculles' daughter. The ritual began at 9:00 in the morning and ended two hours later. After the ceremony, they proceeded to the house of Gregorio Saculles to eat and drink more beer. The reception ended at around 2:00 in the afternoon. They returned to Sto. Domingo, Urdaneta, Pangasinan at around 3:00 in the afternoon. They stayed in the house of accused Ludring Valdez until 4:00 in the afternoon. When his friends left, accused Ludring Valdez stayed home.

It was only on January 10, 1993 that accused Ludring Valdez learned of Eusebio Ocreto's death. He knew the deceased because they used to attend town occasions such as birthday parties. He claimed to have a good relationship with the deceased, not having any misunderstanding, quarrel or animosity with each other. He knew Amanda Tabion who testified against him and alleged that they were not on speaking terms even before the incident. He claimed that Amanda hated him because of his financial success with the cattle market and his meager donation of five pesos to her daughter's solicitation envelope at one time.

On March 14, 1993, he went to Ilocos Sur with his son, Allan Valdez, because they were suspected of killing Eusebio Ocreto. He stayed in Ilocos for several months, fearful of the threats of relatives of the deceased against his life.<sup>[9]</sup>

Accused Jose Taboac, Jr. dispensed with the presentation of his evidence and submitted the case for decision.<sup>[10]</sup>

On March 7, 1996, the trial court rendered a decision, the dispositive portion of which states:

"WHEREFORE, the Court renders judgment, declaring the accused LUDRING VALDEZ and JOSE TABOAC, JR., GUILTY beyond reasonable doubt of the crime of MURDER and hereby sentences them to suffer imprisonment of RECLUSION PERPETUA EACH and to pay jointly and severally the heirs of the deceased Eusebio Ocreto, the following: P50,000.00 as indemnity for the death of the victim; P20,000.00 as actual damages; P200,000.00 as moral damages and to pay the costs.

SO ORDERED."<sup>[11]</sup>

Only accused Ludring Valdez filed an appeal.<sup>[12]</sup>

In his appellant's brief, accused-appellant Ludring Valdez contends that the trial court should not have given credence to the testimony of prosecution witness Amanda Tabion, imputing ill-motive on her part against him.<sup>[13]</sup>

In numerous cases, the Court has stated that it will not interfere with the trial court's assessment of the credibility of witnesses, in the absence of any indication or