

THIRD DIVISION

[G.R. No. 124037, October 02, 2001]

PEOPLE OF THE PHILIPPINES, APPELLEE, VS. REYNALDO DE GUZMAN, BERNARDO* DE GUZMAN, RUSSEL ABAD, AND GILBERT DOLORES, ACCUSED.

REYNALDO DE GUZMAN, BERNARDO* DE GUZMAN, AND RUSSEL ABAD, APPELLANTS.

D E C I S I O N

PANGANIBAN, J.:

This case finds its roots in a sickening drinking spree common among the idle. It began with a frivolous mood of camaraderie, but ended in the tragic death of a young man, simply because he had refused to serve more liquor.

The Case

Before us are the appeals of Reynaldo de Guzman, Bernabe de Guzman Jr. and Russel Abad,^[1] seeking to set aside the September 29, 1995 Decision^[2] of the Regional Trial Court (RTC) of Quezon City (Branch 103) in Criminal Case No. Q-93-40959. The Decision found them guilty of murder beyond reasonable doubt, for which they were sentenced to *reclusion perpetua* and to pay the heirs of their victim P50,000 as actual damages and P100,000 as moral damages.

Quezon City Assistant City Prosecutor Leopoldo E. Baraquia filed an Information,^[3] dated January 22, 1993, charging the four accused with murder allegedly committed as follows:

"That on or about the 22nd day of July, 1992, in Quezon City, Philippines[,] the above-named accused, conspiring together, confederating with and mutually helping one another, without any justifiable cause, did, then and there, wilfully, unlawfully and feloniously with intent to kill, qualified by evident premeditation and treachery, assault, attack and employ personal violence upon the person of one ROMMEL PAGUL Y AZADA, by then and there stabbing him with a kitchen knife, hitting him on the different parts of his body, thereby inflicting upon him serious and mortal wounds which were the direct and immediate cause of his death, to the damage and prejudice of the heirs of ROMMEL PAGUI Y AZADA."^[4]

When arraigned, all of them, with the assistance of their respective lawyers, entered a plea of not guilty.^[5] The four accused were arrested on different dates, because

they could not be located at their given addresses as shown in the return of their Warrants. Trial proceeded against the De Guzman brothers and Abad.

A co-accused, Gilbert Dolores, was arrested only after the prosecution had rested its case, because he had gone hiding in Mindanao to evade arrest.^[6] After entering a plea of not guilty,^[7] his counsel filed a Motion for Leave to File Demurrer to Evidence.^[8] The Motion was denied by the trial court, because it "needs to hear and appreciate the defense evidence to rest its mind that there will be no miscarriage of justice in this case."^[9] Hence, it ordered the prosecution to present all over again its entire evidence against the accused.

On October 17, 1995, the RTC promulgated its assailed Decision, the decretal portion of which reads as follows:

"ACCORDINGLY, judgment is hereby rendered finding the accused, GILBERT DOLORES, REYNALDO DE GUZMAN, BERNABE DE GUZMAN, & RUSSEL ABAD GUILTY beyond reasonable doubt as co-principals in the crime of MURDER charged in this case and they are all sentenced to suffer an imprisonment term of reclusion perpetua.

"On the civil aspect, the four (4) accused are all hereby ordered solidarily to indemnify the heirs of the victim Rommel Pagui [in] the sum of fifty thousand pesos (P50,000.00) as actual damages and one hundred thousand pesos (P100,000.00) as moral damages."^[10]

The Facts

Prosecution's Version

In its Brief,^[11] the Office of the Solicitor General summarized the prosecution's version of the facts as follows:

"At about 9:30 in the evening of July 22, 1992, Mrs. Fe Asada, together with her nephew Rommel Pagui, was tending her sari-sari store situated in the front unit of an apartment rowhouse which she owned, located at 283 Ermin Garcia Street, Cubao, Quezon City (TSN, p. 8, May 5, 1993). Momentarily, a group of men composed of appellants Reynaldo de Guzman and Bernabe de Guzman, Jr., Gilbert Dolores and Russel Abad arrived at the store. They ordered beer. After each one had consumed a bottle of beer, the group ordered more. Rommel told them that they had no more ice-cold beer. This remark enraged the group. At one point Gilbert Dolores told Rommel '*Dada ka ng dada, kakatayin kita!*' (TSN, pp. 10-14, May 5, 1993). In an effort to avoid trouble, Mrs. Asada curtly told the four customers to go home. After they had left, at about 10:30 p.m., Mrs. Asada closed the store, and proceeded to her room while Rommel went to the living room adjacent to the store to watch television (TSN, pp. 16-17, May 5, 1993). Mrs. Asada noted that when the four

men arrived at her store, they reeked of liquor and were sniffing a white substance while they drank beer (TSN, p. 15, May 5, 1993).

"At about 11:00 o'clock that same night, a commotion broke the peace in the apartment compound of Mrs. Fe Asada. A loud thud emanating near the store stirred up the apartment residents (TSN, pp. 50-51, April 3, 1995). Then, Rommel Pagui went out of the apartment through the main gate. A few seconds later, he was seen running towards the interior of the driveway stretched along the length of the apartment compound (TSN, p. 59, April 3, 1995). There were four men chasing Rommel at the time, namely: appellants, Bernabe de Guzman, Jr., Reynaldo de Guzman, Gilbert Dolores and Russel Abad (TSN, p. 37, May 4, 1993). Before he retreated to the rear of the driveway, Rommel shouted, '*Bakit ninyo ako sinaksak?*' (TSN, p. 50, May 3, 1995). The group caught up with Rommel at the rear end of the apartment compound where he was cornered. A few moments later, the same group composed of appellants, Bernabe de Guzman, Jr., Reynaldo de Guzman, Gilbert Dolores and Russel Abad rushed towards the gate of the apartment and out into the street. Gilbert Dolores was seen holding a bloodied knife and as he swung it, blood streaked from it onto the concrete fence of the apartment, (TSN, pp. 39-40, May 4, 1993).

"Thereafter, Mrs. Fe Asada, Rommel's aunt and a boarder of Mrs. Asada, Elizabeth Cataniag, sought out Rommel in his room located in front of Mrs. Asada's bedroom. Failing to find him there and noting that appellant's group had already left, the two went to the rear portion of the apartment driveway (TSN, pp. 71-75, April 3, 1995).

"Medico-Legal findings on the cadaver of Rommel reveal that the victim sustained nine stab wounds, four of which were fatal in character (TSN, pp. 34-39, April 3, 1995)."^[12]

Defense's Version

In their Briefs,^[13] the De Guzman brothers gave the following version of the facts:

"7. Appellant Bernabe de Guzman, Jr., then 23 years old, denied the accusation against him and testified before the trial court that: since he was a little boy his nickname was 'Junior' and that he was known by such appellation; that at about 7:30 in the evening of July 22, 1992 he was at his neighbor's (i.e., Alice Rodriguez) place located above his residence at 295 Ermin Garcia Street, Cubao, Quezon City watching television with 'Ate Alice (i.e., Alice Rodriguez), Ate Miriam (i.e., Cynthia Kolong), Manang Itchang (i.e. Sonia Kolong), Ate Manlik (i.e., Lanilyn Kolong), Lenlen, Kuya Alex (i.e. Alex Anaban), Bebe (i.e., Amado Alauig) and my mother and my father'; that he fell asleep watching television; he was awakened later by one of his parents and was very sleepy when he transferred to the room of Amado Alauig (or Alaoig) which was beside the room of Alice Rodriguez; the next thing he knew was that he woke up at about 7:00 o'clock the next day (i.e., July 23, 1992) and was told of the

death of Rommel Pagul by his Aunt Saling (i.e., Rosalina Querobin); he went outside and even joined the people `kibitsing around . . . in the scene' at 283 Ermin Garcia Street, Cubao, Quezon City; in the process he saw policemen and x x x Police Officer Pasco and further, with his brother, conversed with the people milling around the scene; thereafter, he returned to his house, prepared for work and proceeded to the security agency where he was employed (i.e., Citizen Protective Agency); he was later assigned to a post at the corner of Aurora Boulevard and 20th Avenue where he was on duty from 7:00 in the evening of July 23, 1992 to 9:00 a.m. of July 24, 1992 (pp. 8-52, t.s.n. May 23, 1994).

"8. Appellant Bernabe de Guzman, Jr. further testified that he later learned of the arrest of his brother Reynaldo de Guzman when he went home the morning of July 24, 1992 and later on joined his brother, who was with a Police Officer, and accompanied him to the Police Station where he stayed until 10:00 the morning of July 25, 1992. He even saw the father of the victim at the police station on July 25, 1992 and told the lat[t]er that he was not present in the incident whe[n] the victim died. He was told by the victim's father to `help him to locate Hill' which appellant tried to do by getting the address of appellant Gil Dolores from the same security agency where he was working at that time and eventually gave the same to x x x Police Officer Pasco. Thereafter, appellant Bernabe de Guzman, Jr. continued residing at his given address at Ermin Garcia and even attended the preliminary investigation hearings which followed before the Quezon City Prosecutor's Office sometime November and December, 1992 (Exhibits `3', `3-A', `3-D'). Sometime May, 1993, upon learning of a warrant of arrest having been issued against him he voluntarily surrendered before the police station at Kamuning but he was not detained as the warrant bore a different name (Bernardo de Guzman, Jr.). Eventually, however, he surrendered himself anew to the police sometime July 2, 1993 and has been detained since then (pp. 53-91, t.s.n. of May 23, 1994).

"9. For his part, Reynaldo de Guzman testified that about 6:00 p.m. of July 22, 1992, he ate his dinner at his house at 295 Ermin Garcia Street, Cubao, Quezon City. He was [fetched] by a friend, Nicasio Upao a known resident of 274 Ermin Garcia Street, Cubao, Quezon City, whom he accompanied to watch a movie at about 6:30 p.m. at the Coronet I Theatre in Cubao (i.e., `Lucio Margallo by Philip Salvador') and came back at about 9:00 in the evening. Upon their return they met appellant Gilbert Dolores who `was already drunk, his face was red' who insisted that they accompany him to drink. Nicasio Upao was able to decline but appellant was `forced' by Gilbert Dolores to accompany him to the store of Azada which was still open at that time (pp. 3 to 7, t.s.n. of September 12, 1994).

"10. At the Azada store, Gilbert Dolores ordered three (3) bottles of beer from `Manang Fe' (i.e., Maria Fe Azada) and ordered Reynaldo's cousin to call Russel Abad who was staying with his (i.e., Abad's) cousin nearby (i.e., 279 Ermin Garcia Street, Cubao, Quezon City[]). Soon thereafter, an acquaintance named `Totoy', who also resided at Ermin Garcia Street, arrived. Gilbert Dolores then invited appellant, Russel

Abad, and Totoy to go for a stroll using Totoy's vehicle. They went to Kamuning then to a certain Jerry also in Kamuning and then back to Ermin Garcia at Totoy's place. They left Totoy thereat and the three, Dolores, Abad, and appellant parted ways in front of the house of Russel Abad. Appellant thereafter went home at about 10:30 in the evening and slept straight until 6:00 in the morning of July 23, 1992 (pp. 7 to 16, t.s.n. of September 12, 1994)."^[14]

Appellant Abad denied the accusations against him and set up the defense of alibi.

The Trial Court's Ruling

Because of several inconsistencies and significant lapses in the testimonies of the four accused, the trial court gave credence to the testimonies of the prosecution witnesses and dismissed those of the defense as totally unbelievable.

The RTC ruled that the flight of Dolores and Abad right after the incident had been prodded by a guilty conscience.

It appreciated the qualifying circumstance of abuse of superior strength and explained as follows: "[Although] Elizabeth did not see who actually stabbed Rommel, the evidence shows some kind of a struggle because Rommel had several bruises in addition to nine (9) major stab wounds, four (4) of which were fatal wounds. All [of these show] that there was employment of grave abuse of superior strength as to render the victim helpless in fighting off his attackers as they ganged up on him."

Finally, the testimony of the victim's father on the expenses he had incurred in connection with his son's death was given full credit by the trial court, which awarded to the victim's heirs P50,000 as actual damages and P100,000 as moral damages.

Hence, these appeals by the De Guzman brothers and Abad only.^[15]

Issues

In their respective Briefs, appellants contend that the court *a quo* erred in finding (1) that conspiracy attended the killing of Rommel Pagui, (2) that abuse of superior strength aggravated the crime, and (3) that the prosecution evidence was sufficient.^[16]

This Court's Ruling

The appeals have no merit.

First Issue: *Conspiracy*

The trial court correctly ruled that appellants conspired to commit murder. The detailed accounts of Prosecution Witnesses Fe Asada (a *sari-sari* store owner) and Elizabeth Cataniag (a college student) illustrate how appellants, irked by the victim's