

EN BANC

[G.R. No. 138914, November 14, 2001]

**THE PEOPLE OF THE PHILIPPINES, PLAINTIFF-APPELLEE, VS.
EFREN MANTES AND DANILO, FLORES, ACCUSED-APPELLANT.**

D E C I S I O N

MELO, J.:

On May 3, 1999, appellants Efren Mantes and Danilo Flores were found guilty of the crime of Murder by the Regional Trial Court of the Fourth Judicial Region (Branch 19, Bacoor, Cavite) per the Honorable Novato T. Cajigal, as follows:

WHEREFORE, foregoing considered, the prosecution having proven beyond reasonable doubt the guilt of accused Efren Mantes and Danilo Flores, this Court finds accused Efren Mantes and Danilo Flores GUILTY beyond reasonable doubt of the crime of murder and hereby sentences both accused to suffer the penalty of DEATH; to jointly pay the amount of One Hundred Thousand Pesos (P100,000.00) to the heirs of the victim for the death of Elicazar Napili and One Hundred Twenty Thousand Pesos (P120,000.00) as actual damages; P50,000.00 as moral damages; and the amount of Fourteen Thousand Three Hundred Pesos (P14,300.00) as funeral expenses.

(Rollo, pp. 24.)

With the imposition upon appellants of the supreme penalty of death, the case is now before this Court on automatic review pursuant to Article 47 of the Revised Penal Code, as amended by Section 22 of Republic Act No. 7659.

The Information filed against appellants on January 7, 1995 charged:

That on or about the 7th day of July 1994, at around 7:30 o'clock in the evening, at Sitio Potrero, Barangay Bancal, Municipality of Carmona, Province of Cavite, Philippines and within the jurisdiction of this Honorable Court, the above-named accused, conspiring, confederating and mutually helping and aiding one another, with intent to kill, being then armed with bolos, and with treachery and evident premeditation, did, then and there, wilfully, unlawfully and feloniously, attack, assault stab and hack the person of one Elicazar Napili with the said bladed weapons, inflicting upon the said victim mortal wounds on the different parts of his body thereby causing his subsequent death, to the damage and prejudice of his legal heirs.

(Rollo, p. 4.)

Upon appellants' arraignment on February 27, 1995 (for Flores) and March 22, 1995 (for Mantes), both entered a plea of not guilty. Trial thereafter ensued, following which the judgment of conviction was rendered. Hence the instant review.

The version of the prosecution, as culled from the testimony of its witnesses Elizabeth Napili, the wife of the victim; Violeta Latagan, a resident of the house near where the victim was allegedly killed; Roberto de Salit, the barangay captain of Bancal; Julio de Salit, a barangay investigator; Rogelio Manabat, a barangay councilor; and Dr. Rolando A. Poblete, the physician who performed the autopsy on the victim, may be synthesized as follows:

On July 7, 1994, at about 7:30 P.M., appellants Efren Mantes and Danilo Flores barged inside the house of Elicazar Napili while the latter was having supper with his wife Elizabeth and their children. Appellants, armed with guns and bolos, introduced themselves as men of the barangay captain and told Elicazar that he was being summoned by the barangay captain. Cowed by their arms, Elicazar went with the two. When his wife Elizabeth tried to follow, Danilo tried to hack her so she returned to their house. Thirty minutes after the three had left, Elizabeth Napili went to the barangay captain to inquire as to the whereabouts of her husband. She was told that her husband was not summoned and that his whereabouts were not known to the barangay captain. Since it was raining heavily, the barangay captain told Elizabeth to rest and let the night pass, which advice she followed.

On the witness stand, Violeta Latagan testified that at around 8 P.M., July 7, while she and her husband Abelardo and their child were resting inside their house, three persons sought shelter from the rain, huddling under the roof overhanging her house. One of them even stated "*makikisilong kami*." Minutes later, she heard them quarrelling. Peering outside her door, she saw appellants Efren Mantes and Danilo Flores hacking at Elicazar Napili. Elicazar managed to force his way inside Violeta's house, but appellants still pursued him. Grabbing her child, Violeta and her husband fled the scene, but not before she was hacked in the left buttock by Danilo Flores. She ran to the house of her nearest neighbor, who put her on his horse and brought her to the hospital.

Barangay Captain Roberto de Salit, on the other hand, testified that on the evening of July 7, 1994, Elizabeth Napili went to the Bancal barangay hall complaining that her husband had been kidnapped by two persons. Since it was raining heavily, he told her the matter had to wait until the rain had ceased. When it stopped raining at around 4 A.M. the next day, he, along with Elizabeth and several barangay officials went to the Napili residence. Since Elicazar had not yet returned, the group proceeded to the house of Efren Mantes' father to look for Efren, one of the alleged kidnappers. There, they found Efren Mantes already awake, wearing a bloodied T-shirt and with wounds on his hands and back. When asked the reason therefor, Efren told the group that he had been in a drinking spree that night and that a fight had ensued thereat. Told to escort the group to the place of the drinking spree and fight, Mantes led the group to the hut of a certain Nicanor Malabanan. Nicanor informed the group that he had heard shouting at the adjacent hut the night before. The nearby hut turned out to be the Latagan residence. No one was around but marks on the grass indicated that something had been dragged from the area. Following the trail of disturbed or ruffled grass, the group found a newly dug grave 100 meters from the Latagan residence. Digging out the same, the group unearthed the lifeless body of Elicazar Napili wrapped in a transparent plastic sheet. The

testimony of Rogelio Manabat and Julio de Salit, who were members of the group which went to the house of Efren Mantes' father and later discovered Elicazar's cadaver, corroborated the testimony of the barangay captain.

Dr. Rolando A. Poblete testified that Elicazar died of hypovolemic shock due to multiple stab wounds, with the fatal blow being inflicted on the victim's neck area -- a stab wound so deep that it severed the victim's jugular vein and carotid artery. His findings, as formalized in the necropsy report, are as follows:

HEENT (head, ears, eyes, nose, throat)

ecchymosis right eye; laceration 1.0 cm., right side of the face inferiorly located to right eye (non-penetrating); laceration tip of right ear; stab wound 1.2 cms., right side of anterior neck, penetrating and severing some muscle structures and also main blood vessels particularly the right common carotid artery and the internal jugular vein, this resulted to massive blood loss; a 2 cms. x 1.5 cms. x 0.5 cm. square-shaped laceration, deep which also severed some muscle structures and other big blood vessels, this is located just inferior to the previously described wound; a 0.4 cm. laceration, non-penetrating, just lateral to the trachea.

CHEST/THORAX

contusion, sternum; incised wound 4.5 cms. x 2 cms. vertical, just above the right shoulder blade (scapula)

EXTREMITIES

laceration 1.0 cm. just below the left knee

Cause of Death: Hypovolemic shock due to multiple stab wounds.

(Record, p. 68.)

On the other hand, the defense relied on appellants themselves and Leticia Flores, Danilo's sister.

According to Mantes, at around 8 P.M., July 7, 1994, he and Elicazar Napili were invited by Abelardo Latagan to a drinking spree at the latter's house. Together with a certain Oming, appellant Mantes, Elicazar, and Abelardo proceeded to Abelardo's house, arriving thereat an hour later. There, the group was joined by Bernardo Latagan, a brother of Abelardo. However, while outside Abelardo's house, and before they could start drinking, Bernardo and Elicazar got into an argument, which ultimately led to Bernardo dealing fist blows to Elicazar. Appellant Mantes alleged that he tried to pacify the two, but he was suddenly hacked with a bolo by Abelardo, prompting him to run and hide in the bushes nearby. From his vantage point, Mantes saw Elicazar wrest the bolo from Abelardo and chase the latter into the house. It was inside the house where Violeta was hacked by Elicazar. During the scuffle, however, Abelardo managed to hit Elicazar on the arm with a piece of wood, causing him to drop the bolo. Abelardo then took hold of the bolo and hacked Elicazar in the neck. With Elicazar down, Abelardo and his wife left their house only to return minutes later. They then rolled Elicazar's body to the creek nearby. Thirty