

## EN BANC

[ G.R. No. 132152, January 19, 2000 ]

**THE PEOPLE OF THE PHILIPPINES, PLAINTIFF-APPELLEE, VS.  
EUGENIO ADRALES AND JESSIE PANAOS, ACCUSED-APPELLANTS.**

### DECISION

**VITUG, J.:**

The case before the Court calls for an automatic review of the decision, dated 09 July 1997, of the Regional Trial Court ("RTC") of Carigara, Leyte, Branch 13, in Criminal Case No. 2512, convicting Jessie Panao and Eugenio Adrales of the crime of murder and sentencing each of them to the penalty of death.

On 18 March 1996, Assistant Provincial Prosecutor Cesar Merin filed with the Carigara RTC an INFORMATION charging Eugenio Adrales and Jessie Panao with murder, as follows:

"That on or about the 25th day of January, 1996, in the municipality of Tuñga Province of Leyte, Philippines and within the jurisdiction of this Honorable Court, the above-named accused, conspiring, confederating and mutually helping one another, with deliberate intent, with treachery and evident premeditation, did then and there wilfully, unlawfully and feloniously attack, assault and stab one MANUEL ARIZO with a sharp pointed weapon (sundangay) which the accused have provided themselves for the purpose, thereby inflicting upon the latter the following wounds, to wit:

"Stab wound, 3.5 cm., vertical at level 9th ICS PAL (R) penetrating, thorace-abdominal (R) with massive hemothorax; penetrating (R) lobe of liver thru and thru towards bed of gallbladder with perforation of gall bladder thru and thru penetrating transverse colon M/3 thru and thru.

"Operation: E/L, perihepatic packing (lateral & intrahepatic) Pringles maneuver, cholecystectomy, exteriorization of injured colonic segment. Peritoneal drain.

which wounds caused the death of said Manuel Arizo.

"CONTRARY TO LAW."<sup>[1]</sup>

Upon arraignment, both accused entered a plea of NOT GUILTY. Trial on the merits ensued.

The evidence for the prosecution consisted of the testimony of eyewitness Jovencio Briones, as well as of the victim's spouse Salvacion Arizo, and of the arresting officer

SPO1 Hector Dincol.

At about eight o'clock in the evening of 25 January 1996, the two accused, Eugenio Adrales and Jessie Panao, evidently after having had too much to drink, were strolling down the road in Brgy. San Pedro, Tuñga, Leyte, challenging anybody to a fight. Curious at the noise being created by the duo, Jovencio Briones looked out to investigate. He saw Adrales and Panao walking towards the direction of the residence of Manuel Arizo. Briones followed at a distance. Adrales and Panao loudly called out to Manuel inviting him to have a drink with them. Manuel refused but the two persisted until eventually Manuel opened the door of his house. Adrales and Panao insisted that Manuel come out. As soon as the latter stepped out, Jessie Panao pulled Manuel while Adrales forthwith stabbed Manuel with a small bolo hitting him on the right side of his back. Panao pushed Manuel. Thrown to the wall, Manuel fell to the ground face down. Panao unsheathed his bolo to inflict a second blow on Manuel but he was forestalled by the shout for help of Salvacion Arizo. Briones, who had witnessed the entire episode approached the fallen victim and, seeing Manuel to be still alive, lifted him up and brought him to the side of the road.

Responding neighbors helped bring Manuel to the Bethany Hospital. He was later transferred to the Eastern Visayas Regional Medical Center ("EVRMC"). Manuel was unconscious when Salvacion saw him the following morning of 26 January 1996. Manuel never recovered and eventually died the next day (27 January 1996).

SPO1 Hector Dincol testified that the police had responded to the criminal incident right after it was reported to them on the night of 25 January 1996. The investigation led to the arrest of Panao and Adrales that same evening.

The defense presented the two accused at the witness stand. Its version of the incident was that Panao and Adrales, together with Manuel, went home from a drinking spree held in the house of one Lito Arintok who had earlier hired them to do some farmwork. Manuel invited Panao and Adrales to drop by his house for another round of drink. Manuel asked Panao for some money to buy tuba but Panao refused and started to leave. Infuriated, Manuel caught up with Panao and at once boxed and kicked him. Panao did not retaliate and attempted to flee but he was chased by Arizo. Fearing that Manuel might kill Panao, Adrales followed, overtook Manuel and stabbed the latter. Eugenio Adrales went home where he was arrested later that same evening.

The court *a quo* saw the case for the prosecution. Stating firstly the factual and legal bases for its decision, the trial court finally adjudged:

'WHEREFORE, IN THE LIGHT OF THE FOREGOING CONSIDERATIONS, the, Court finds the accused JESSIE PANA and EUGENIO ADRALES GUILTY of the crime of MURDER and hereby Sentences the accused to suffer the penalty of DEATH and to indemnify the heirs of the victim the sum of Fifty Thousand Pesos without, however, subsidiary imprisonment in case of insolvency.

"SO ORDERED."<sup>[2]</sup>

This Court is fully convinced that the trial court did not conclude wrongly in finding accused-appellants guilty of murder. The testimony of the two eyewitnesses,

Salvacion Arizo and Jovencio Briones, to the commission of the crime, is impressive and hardly suffers from serious flaws.

SALVACION ARIZO, the surviving spouse of the deceased victim, testified thus:

"Q And who are those?

"A Jessie Panao and Eugenio Adrales.

"Q You are referring to the two (2) accused in this case?

"A Yes, sir.

"Q Now, you mentioned that they were approaching while shouting did they in fact reach your house?

"A Yes, sir just very near our door.

"Q When the two (2) accused were already near your door, what happened next?

"A They kept on calling my husband.

"Q Will you please tell the honorable the exact words?

"A Manuel, Manuel go out from your house, let's have a drink.

"Q And what was the reaction of your husband if any?

"A He stood up.

"Q When your husband stood up, what did he do?

"A I told him not to go with them.

"Q Now, when you told your husband, not to go with them, then what did your husband do if any?

"A They kept on shouting Manuel to go with them.

"Q When you said they, you are referring to the accused?

"A Yes, sir.

"Q And after that, what did your husband do?

"A He went down.

"Q From the place where you were to the ground, how high is that?

"A Two (2) stairs [steps] distance.

"Q Where did he go when your husband went down?

"A To the ground.

"Q How about you, where did you go?

"A I called him.

"Q When you said on the ground, is it inside your house or outside your house?

"A Still inside our house.

"Q When you were already on the ground inside your house, where did your husband go next?

"A Because they kept on shouting my husband to go with them, my husband opened the door and just let his head out of the door.

"Q So your husband partially opened the door to let his head out?

"A Yes, sir.

"Q When the head f your husband was already out of the door, what next happened if any?

"A My husband told them, I will not go with you I will go to sleep.

"Q What was the response coming from the two (2) accused?

"A They insisted my husband to go with them.

"Q Between the two (2) accused who is really persistent?

"A It was Jessie Panao, and Eugenio Adrales was helping.

"Q Now, what happened next if any?

"A My husband opened widely the door.

"Q At that time when your husband opened the door so wide where were you at that time?

"A I was at the back of my husband.

"Q At that time was there any light in your house?

"A There was a light upstairs and also downstairs.

"Q What did you see, if any, when your husband opened the door?

"A Eugenio Adrales peeped in through the door.

"Q At that time where was Jessie Panao?

"A He was in front of my husband.

"Q When your husband opened the door and was already in front of Jessie Panao, what happened next if any?

"A My husband went out from our house by the door.

"Q When your husband went out from the door, what happened next if any?

"A Jessie Panao held my husband on the act of pulling.

"Q When Jessie Panao held your husband and also by pulling what happened next if any?

"A Eugenio Adrales stabbed my husband.

"Q What did Eugenio Adrales used in stabbing your husband?

"A Small bolo.

"Q When this small bolo will be shown to you, will you recognize it?

"A I can recognize it.

"Q When your husband was stabbed by Eugenio Adrales was your husband hit?

"A Yes, sir.

"Q In what part of his body?

"A At the right side of his back.

"Q Now, after your husband was stabbed by Eugenio Adrales what happened next if any?

"A Jessie Panao pushed my husband and hit at the wall and fell down to the ground.

"Q What was the position of your husband when he fell down to the ground?

"A Face down.

"Q When your husband was lying on the ground faced down, what happened next if any?

"A Jessie Panao draw his long bolo and was about to hack my husband.

"Q Did Jessie Panao hacked your husband?

"A No, sir.