

EN BANC

[G.R. No. 134763, September 04, 2000]

**PEOPLE OF THE PHILIPPINES, PLAINTIFF-APPELLEE, VS.
WILFREDO RIGLOS Y RAMOS AND LAMBERTO RIGLOS, ACCUSED.**

WILFREDO RIGLOS Y RAMOS, ACCUSED-APPELLANT.

D E C I S I O N

PER CURIAM:

Before us on automatic review is the Decision^[1] dated July 6, 1998 of the Regional Trial Court of Urdaneta, Pangasinan, Branch 49, in Criminal Case No. U-8520, convicting accused-appellant Wilfredo Riglos y Ramos of murder with the aggravating circumstances of abuse of superior strength and dwelling and sentencing him to suffer the supreme penalty of death.

The antecedent facts are the following:

On May 23, 1995, at about 6:30 p.m., spouses Camilo and Adelina Valdez were sitting and facing each other at the terrace of their house at Sitio Bantog, Sto. Domingo, San Miquel, Pangasinan, as was their usual habit.^[2] At that particular time, Jerry Valdez, their youngest son, was under an acacia tree, about seven meters away from their house, making a toy called "shatong". From that acacia tree Jerry had a clear view of the terrace, as it was still bright enough for him to see his parents.^[3]

In a little while, accused Lamberto Riglos, a relative of the Valdez family, arrived. Lamberto asked money from Camilo in order to buy a bottle of gin. Camilo refused, and instead, told him to go home as it was already getting late. Adelina also told Lamberto to go home because his wife was waiting for him. Suddenly, Lamberto slapped Camilo on the face several times, which caused the latter to push Lamberto away. Lamberto then pulled Camilo's hand and the latter fell to the ground. Adelina rushed to her husband's side and helped him enter the main door of the house. Swiftly, Lamberto drew a .38 caliber gun from his waist and shot Camilo. The first shot, however, missed Camilo and hit the wall. Camilo, who was behind the door peeped and asked "*What is my fault my son?*"^[4] Lamberto fired a second shot hitting Camilo on the chest. Adelina shouted for help, but nobody came. Camilo managed to slowly enter the house and proceed to their room while Lamberto just stayed at the terrace.^[5]

After the first shot, accused-appellant Wilfredo, who was at a neighbor's house proceeded to the residence of Camilo and Adelina. On his way to the Valdez's house, he passed Jerry Valdez under the acacia tree. Upon seeing Jerry crying over what he had witnessed, Wilfredo hit him with his left hand, as his right hand was holding a

gun.^[6] Then Wilfredo went to where Lamberto was and said: "*Let us get inside and kill him, brother.*"^[7] The two entered the house and went to the bedroom. Upon seeing the wounded Camilo sitting on the bed, Lamberto and Wilfredo shot him several times.^[8] Adelina ran to get some help and reported the incident to the Barangay Tanod and to Dominador Sevilleja, the Barangay Captain. When Adelina returned home, the Riglos brothers were no longer there. She saw her husband already dead, lying face down on the floor in a pool of blood.^[9]

The killing incident was reported by Barangay Captain Sevilleja to the police authorities. At about 8:30 p.m. on the same day, Chief Inspector Ruben Egipto and SP02 Eduardo Bangi, together with several other policemen, responded and proceeded to the scene of the crime.^[10] Thereat, they saw the victim and recovered three (3) .38 caliber slugs on the floor, near the victim's body.^[11] Upon learning of the identity of the two assailants from Adelina Valdez, they immediately searched for the Riglos brothers, but they had already fled, bringing with them the guns they used.^[12] The police entered the incident in the police blotter as Entry No. 5143, page 611 dated May 23, 1995.^[13]

On June 29, 1995, Assistant Provincial Prosecutor Jorito C. Peralta filed with the Regional Trial Court (RTC) in Urdaneta an Information charging the brothers Lamberto Riglos and Wilfredo Riglos with murder, committed as follows:

That on or about the 23rd day of May 1995 at barangay Sto. Domingo, Municipality of San Miguel, province of Pangasinan and within the jurisdiction of this Honorable Court, the said accused conspiring and confederating with one another, with intent to kill and by means of treachery and taking advantage of superior strength, did then and there willfully, unlawfully and feloniously attack and shoot one CAMELO^[14] VALDEZ y FELIPE, with the use of an [sic] unlicensed firearms which each were then armed, hitting the said victim with multiple gunshot wound [sic] which were the direct and immediate cause of his death, to the damage and prejudice of his heirs.

Contrary to Article 248, Revised Penal Code.^[15]

Only accused-appellant Wilfredo Riglos was brought to trial as his brother and co-accused, Lamberto, had evaded arrest and remained at large. Duly arraigned on February 12, 1997, accused-appellant pleaded "Not Guilty".^[16]

Dr. Asuncion Tuvera, the Municipal Health Officer of San Miguel, Pangasinan, conducted an autopsy on the cadaver of the victim. She found three (3) gunshot wounds, two (2) of which measured about 0.5 cm. (point of entry), adjacent to each other, at the left medico-lateral part of the chest just four (4) inches above the left nipple, and the third gunshot wound at the left anterior axillary at the level of the 7th intercostal space, about 0.5 cm. in diameter, which penetrated up to the ribs. At the back, along the vertebral area, two (2) wounds (point of exit) were also found, with one (1) bullet remaining inside the victim's body. She also testified that the victim suffered laceration of the middle lobe of the left lung and lacerated wound on the left kidney; that based on the trajectory of the bullets, the victim and his assailants were facing each other with a distance of approximately six (6) meters

between them. Dr. Tuvera determined the cause of death as cardiac arrest secondary to internal hemorrhage secondary to multiple gunshot wounds on the chest and at the back.^[17]

Testifying on his behalf, accused-appellant Wilfredo Riglos interposed the defenses of denial and alibi. Accused-appellant claimed that on May 23, 1995, he together with his brother and co-accused, Lamberto, went to Barangay Lambot, San Miguel, Pangasinan to cut lumber. After work and on their way home, they stopped at Sitio Bantog, San Miguel, Pangasinan to fetch his 7-year old daughter who was in the house of Ambong Costes, his brother-in-law. They reached the Costes' residence at about 5:00 o'clock in the afternoon. While there, Alfredo Dulay, a neighbor of Costes, asked them to fix the post of his ampalaya plants. As compensation, Dulay offered them two (2) bottles of San Miguel gin which they finished at around 5:30 in the afternoon. Lamberto did not join the group in their drinking session. Lamberto, together with Dulay, left the group after he drank three (3) shots of gin.^[18]

Suddenly, Wilfredo heard Adelina Valdez, shouting from the door of their house about 17 meters away from Costes' place saying "*Berto, Berto do not kill your uncle,*" then he heard two gun shots. He did not bother to investigate because his daughter who was frightened embraced him and told him that they go home to Sta. Catalina. On his way home to Sta. Catalina, he rode in a vehicle driven by Tamacder and passed by the house of his uncle, Camilo. He heard people crying and shouting inside the house, but he did not bother to drop by and verify what had happened because he was nervous.^[19] The next day, he heard that his brother had killed somebody. He had not seen his brother since then.^[20]

Alfredo Dulay corroborated the testimony of accused-appellant. In addition, he testified that after he drank 3 shots of San Miguel gin, he and Lamberto, left the group and proceeded to the house of the victim, Camilo. Camilo was sitting at the terrace of his house, already drunk. Camilo offered them one bottle of Beer Grande, which they drank. During their drinking session, Camilo and Lamberto had an argument. Dulay heard Camilo saying to Lamberto "*vulva of your mother.*" Because of this utterance, Lamberto asked Camilo if he could also retaliate by saying bad words and the victim answered that it is alright because Lamberto is his nephew. In a little while, Camilo said to his wife, "*You bring out*" and upon hearing those words, Dulay and Lamberto ran outside the house. Dulay proceeded to his house while Lamberto ran towards the south. After that incident, Dulay stayed inside his house until the arrival of Adelina Valdez, who was hysterical and crying, informing him that her husband had died.^[21] On that evening, Dulay attended the wake of Camilo and heard that Lamberto was the latter's assailant.^[22]

On July 6, 1998, the RTC rendered its decision, convicting accused-appellant of the crime of murder and sentencing him, thus:

WHEREFORE, in view of all the foregoing, the Court finds the accused, WILFREDO RIGLOS y RAMOS, GUILTY beyond reasonable doubt of the crime of MURDER defined and penalized under Republic Act No. 7659 otherwise known as the Heinous Crime Law, the offense having been committed with the attendant aggravating circumstances of abuse of superior strength and dwelling, hereby sentences him the ultimatum supplicium of DEATH to be executed pursuant to Republic Act No. 8177

known as the Lethal Injection Law, to pay the heirs of the victim, CAMILO VALDEZ, in the amount of P50,000.00 as indemnity; P30,000.00 as actual damages; P200,000.00 as moral damages; and to pay the costs.

Finally, it is said : "Dura Lex, sed lex," translated as : "The law is harsh, but that is the law."

In the meantime, let a warrant of arrest be issued for the accused LAMBERTO RIGLOS y RAMOS apprehension, said warrant of arrest to be served by the National Bureau of Investigation (NBI), Criminal Investigation Group (CIG) and the Philippine National Police of Binalonan, Pangasinan.

Accused-appellant raised the following assignment of errors, to wit:

I

THE TRIAL COURT ERRED IN FINDING THAT THE CRIME OF MURDER WAS QUALIFIED BY TREACHERY.

II

THE TRIAL COURT ERRED IN APPRECIATING THE QUALIFYING CIRCUMSTANCE OF ABUSE OF SUPERIOR STRENGTH AGAINST THE ACCUSED.

III

THE TRIAL COURT ERRED IN METING OUT THE DEATH PENALTY AGAINST THE ACCUSED.

In his brief, accused-appellant Wilfredo Riglos prays for the modification of his conviction from murder to homicide. He contends that the qualifying circumstances of treachery and abuse of superior strength did not attend the commission of the crime.^[23]

It is jurisprudentially settled that as a general rule, this Court will not interfere with the judgment of the trial court in the appreciation of evidence and credibility of witnesses for it is only the trial court that has the foremost opportunity to observe, weigh and assess these matters. Only when it is evident in the records that some facts or circumstances of weight and influence have been overlooked by the trial court which, if considered, would affect the result, will this Court act otherwise.^[24]

In the present case, this Court is fully convinced that the trial court correctly concluded in finding accused-appellant guilty of murder. This is true even if the trial judge appears to have relied substantially on the testimonies of the victim's wife and her 13-year-old son. Not an iota of contradiction or inconsistency taints their statements. The fact that they are the blood kin of the victim do not give rise to the presumption of bias or ulterior motive, or *ipso facto* impair their credibility or tarnish their testimony. Even if the prosecution witnesses are the wife and son of the victim as in the case at bench, it may not be lightly presumed that they would callously violate their conscience to avenge the death of a dear one by blaming it on persons

whom they know to be innocent thereof,^[25] especially when they accuse their own relatives as in the case at bench.

Prosecution witness Adelina, wife of victim Camilo, positively identified accused-appellant as one of the perpetrators of the fatal shooting. She clearly narrated on the witness stand the extent of accused-appellant's participation in the incident. She categorically testified that accused-appellant, upon arriving at their house uttered these bone-chilling words to his co-accused and brother Lamberto "*Let us get inside and kill him, brother.*" Then the Riglos brothers entered the house, and while at the door of the bedroom shot the defenseless and wounded Camilo several times. Adelina testified during cross-examination thus:

Q You also stated during the direct examination that after the first gun shot the brother of Lamberto Riglos by the name of Wilfredo Riglos arrived, what did Wilfredo Riglos do upon reaching your house?

A Wilfredo Riglos passed by my son who was under the acacia tree and he boxed the right cheek of my son and kicked him, sir.

Q Where were you when Wilfredo Riglos boxed and kicked your son?

A I was in the terrace, sir.

Q That incident of Wilfredo Riglos boxing your son occurred after your husband was already hit, Madam Witness?

A Yes, sir.

Q What did you do upon seeing that Wilfredo Riglos was boxing your son?

A I only shouted, sir.

Q You did not come to the succor of your son?

A No, sir.

Q What did you tell Wilfredo Riglos upon seeing that your son was being boxed by Wilfredo, Madam witness?

A I was not able to say anything, sir.

Q After Wilfredo Riglos boxed your son, what happened next?

A He went inside my house, sir.

Q After that what happened next, Madam witness?

A Wilfredo said, "let us get inside, Manong and let us kill him".