

## FIRST DIVISION

[ G.R. Nos. 123265-66, August 12, 1999 ]

**PEOPLE OF THE PHILIPPINES, PLAINTIFF-APPELLEE, VS.  
JOEMAR C. QUILANG, ACCUSED APPELLANT.**

### D E C I S I O N

**PARDO, J.:**

The case before us is an appeal from the decision<sup>[1]</sup> of the Regional Trial Court, Branch 18, Ilagan, Isabela,<sup>[2]</sup> finding accused Joemar C. Quilang guilty of two (2) counts of murder, committed against Ricardo Natividad and Erna Layugan, and sentencing him in each case to suffer the penalty of *reclusion perpetua*, and to indemnify the heirs of Ricardo Natividad the total sum of P140,000.00, and the heirs of Erna Layugan the total amount of P2,980,000.00, plus costs.

On March 13, 1992, provincial prosecutor Patricio T. Durian of Isabela, filed with the Regional Trial Court, Ilagan, Isabela, two (2) informations for murder against the accused Joemar C. Quilang, the accusatory portions of which read:

Criminal Case No. 1898

"That on or about the 28th day of September, 1991, in the municipality of Ilagan, province of Isabela, Philippines, and within the jurisdiction of this Honorable Court, the said accused, with evident premeditation and treachery, did then and there willfully, unlawfully and feloniously, with intent to kill suddenly and unexpectedly, and without giving him chance to defend himself, assault, attack and shoot with a gauge 12 shotgun one Ricardo Natividad, inflicting upon him multiple gunshot wounds on the head, which directly caused his death.

"CONTRARY TO LAW."<sup>[3]</sup>

Criminal Case No. 1899

"That on or about the 28<sup>th</sup> day of September 1991, in the municipality of Ilagan, province of Isabela, Philippines, and within the jurisdiction of this Honorable Court, the said accused, with evident premeditation and treachery, did then and there willfully, unlawfully and feloniously, with intent to kill suddenly and unexpectedly, and without giving her chance to defend herself, and with utter disregard to the fairer sex, assault, attack and shoot with a gauge 12 shotgun one Erna Layugan, inflicting upon her multiple gunshot wounds on the head which directly caused her death.

"CONTRARY TO LAW."<sup>[4]</sup>

Upon arraignment on April 6, 1994, the accused<sup>[5]</sup> pleaded not guilty to both charges. After due trial, on November 20, 1995, the trial court rendered decision,<sup>[6]</sup> convicting accused on both counts, the dispositive portion of which reads:

"Bearing in mind the provisions of Section 19 (1) of Article III, 1987 Constitution suspending the imposition of the death penalty and the effectivity of R. A. 7659, wherefore, judgment is hereby rendered:

"1. In Criminal Case No. 1898, the Court finds the accused Joemar Quilang, guilty beyond any reasonable doubt for the murder of Ricardo Natividad. He is hereby sentenced to suffer the penalty of Reclusion Perpetua. The accused is further ordered to indemnify the heirs of Natividad the sum of P50,000.00, the sum of P50,000.00 for exemplary damages, and P40,000.00 for burial expenses.

"2. In Criminal Case No. 1899, the Court finds the accused Joemar Quilang, guilty beyond any reasonable doubt of the murder of Erna Layugan. He is hereby sentenced to suffer the penalty of Reclusion Perpetua. He is further ordered to indemnify the heirs of Erna Layugan the sum of P50,000.00, to pay moral damages in the amount of P50,000.00, exemplary damages in the sum of P50,000.00. For the loss of earning capacity of Erna Layugan, bearing in mind that at the time of her death, she was 45 years old, Branch Manager of the DBP with an annual salary of P143,000.00, the sum of P2,830,000.00.

"3. Ordering further the accused to pay costs in both cases."<sup>[7]</sup>

Hence, this appeal.

The prosecution presented ten (10) witnesses to prove its case, namely, Melanie L. Layugan, Merwin L. Layugan, Segundino Bucad, Moses Joshua Layugan, Ester Natividad, Dr. Alex Castillo, Evelyn Ipac, SPO1 Edward O. Gatan, SPO3 Modesto Ilosin, and Nicanor Basilio.

On the other hand, Francisco Bulan and accused Joemar C. Quilang testified for the defense.

The facts are as follows:

On September 28, 1991, Segundino Bucad was a security guard at Development Bank of the Philippines, Ilagan, Isabela (DBP, for brevity), on duty from 7:00 in the morning until 3:00 in the afternoon. With him on duty was another security guard, accused Joemar C. Quilang.<sup>[8]</sup> Around 8:00 that morning, Ricardo Natividad, a driver of DBP, asked for the car keys from Bucad, so that he could bring out the service car from the garage. Natividad parked the car in front of DBP, gave Bucad a trip ticket, and sat beside Bucad in a wooden bench while he waited for branch manager Erna Layugan. At that time, accused Quilang sat on a longer bench across Bucad and Natividad, at a distance of about 2 ½ meters. Branch manager Erna Layugan later arrived and after she entered the bank premises, accused Quilang suddenly stood up and fired at Natividad. The single shot from a shotgun hit Natividad on the right side of the face, instantly killing him. A stunned Bucad asked the accused why he shot Natividad, to which Quilang replied: "You are also one",

and pointed the loaded shotgun at him. Bucad ran in fear and proceeded to the PNP police station to report the shooting incident.<sup>[9]</sup>

At about 8:30 to 9:00 in the morning of that fateful day, Melanie Layugan,<sup>[10]</sup> was inside the room of her Auntie Luz<sup>[11]</sup> at the DBP manager's residence,<sup>[12]</sup> fixing herself up to attend her piano lessons. Then, she heard a burst of gunfire coming from the DBP office. She continued dressing up and later heard her mother shouting. After a while, she peeped out of the window and saw a woman fall down the bridge<sup>[13]</sup> leading to the guesthouse. She also noticed accused Quilang running after the woman, and he was holding a shotgun. When he reached the bridge, accused pointed the gun at the woman and shot her while she was still lying on the ground. Thereafter, Melanie decided to go to the guesthouse to inquire about the incident and the whereabouts of her mother. On the way, she saw her brother and invited him to accompany her. When the two siblings reached the bridge, they discovered that Quilang had shot and killed their mother, Erna Layugan.<sup>[14]</sup>

At that time, Merwin Layugan,<sup>[15]</sup> was inside the DBP manager's residence when he heard a gunshot coming from the DBP office. He went to said office to inquire about the incident, and saw a bloodied man slumped on a bench, who was later identified as Ricardo Natividad. He returned to the house, but before he could enter the residence, he saw accused Quilang running towards him, armed with a shotgun. He asked accused - "Ano yun?," but the latter ignored him and continued running to the back of the manager's residence. Merwin went inside the house to inform his mother about the incident, but did not find her. He then heard two gunshots coming from the direction of the guesthouse. He went out of the house to look for his mother and saw Quilang board the DBP service car and drive towards Tumauni, Isabela. When he saw his sister, Melanie, they proceeded to the guesthouse and learned that the person shot on the bridge was their mother, Erna Layugan. Merwin touched the latter's abdomen to check if she was still alive, but discovered that she was dead.<sup>[16]</sup>

Evelyn Ipac, 20-year old niece of Erna Layugan, lived in a room in the DBP manager's residence. Between 8:00 to 9:00 in the morning of September 28, 1991, while inside her room, she heard gunfire coming from the DBP office. Then, she noticed accused Quilang running after Erna Layugan, and heard the latter saying: "Joemar, bakit mo ako hinahabol?"<sup>[17]</sup> Afterwards, she heard two gunshots coming from the direction of the bridge. She ran to the front door of the manager's residence and saw a bloodied Erna Layugan lying on the bridge. Then, accused Quilang, coming from the direction of the bridge, chased her and pointed his gun at her. She quickly ran inside the house.<sup>[18]</sup>

At about 9:00 in the morning of September 28, 1991, SPO1 Edward O. Gatan, assigned at the police station, Ilagan, Isabela, responded to Bucad's report regarding a shooting incident inside the DBP compound. He immediately proceeded to the crime scene, together with the station commander. There, he saw the dead body of Ricardo Natividad slumped on a bench fronting the DBP building; while an equally dead Erna Layugan lay at the pavement near the guesthouse. The investigating team recovered one (1) spent shell near the cadaver of Natividad, and two (2) spent shells of the same gauge beside Erna Layugan.<sup>[19]</sup>

SPO3 Norberto Ilasin, a member of the PNP assigned at Baligatan, Ilagan, Isabela, received a report concerning the shooting at the DBP compound. He conducted a hot pursuit against accused Quilang upon learning that the latter fled the crime scene aboard a dirty-white Toyota Corona, a DBP service car with plate number SAS 224. At around 10:00 in the morning of September 28, 1991, he recovered the car at Barangay Angassian, San Antonio.<sup>[20]</sup> He retrieved one-set of a blue uniform, a shirt and a pair of pants, with name cloth reading "Quilang JC" and an insignia stating "DBP Service Corporation," on the front seat of the car. However, there was no sign of the accused.<sup>[21]</sup>

Between 10:00 and 11:00 in the morning of September 28, 1991, Dr. Jesus Alex Castillo conducted necropsy examinations<sup>[22]</sup> on the cadavers of Natividad and Layugan, and issued the corresponding medico-legal reports<sup>[23]</sup> and certificates of deaths.<sup>[24]</sup> Dr. Castillo found the wounds as fatal and concluded that based on the gunshot wounds, a high-powered gun was used against the victims. He stated the cause of deaths as "brain tissue maceration secondary to gunshot wound."<sup>[25]</sup>

To prove civil liability of the accused, Ester Natividad, widow of Ricardo Natividad, stated that she spent P 40,000.00 as funeral expenses. She further testified that Ricardo was fifty (50) years old at the time of his death and was receiving more than one hundred pesos (P100.00) a day as a driver-mechanic of DBP, Ilagan branch.<sup>[26]</sup> While no receipts were presented to prove the claim, the defense willingly admitted the funeral expenses amounting to P40,000.00.<sup>[27]</sup> She testified that she felt the loss of her husband.

As regards the heirs of Erna Layugan, her son Moses Joshua<sup>[28]</sup> testified that his mother, who was 45 years old at the time of death, earned P143,000.00 annually as branch head of DBP, Ilagan, Isabela. Furthermore, they spent P150,000.00 for funeral expenses. However, no receipts were presented to prove both the salary and expenses incurred. He testified that he felt sadness and pain for the untimely death of his mother, and was worried for the future of his siblings.<sup>[29]</sup>

Accused's sole defense was denial, stating that he was abducted by four persons unknown to him, kept inside a warehouse for an indeterminate length of time, and threatened with death for him and his family if he revealed anything. Francisco Bulan corroborated the defense's theory of abduction.

Around 8:00 in the morning of September 28, 1991, Francisco Bulan was on his way to buy a pig, about thirty (30) meters away from the DBP compound. As he walked passed the DBP premises, he saw a dirty-white car, with plate number SAS 224, going out of the DBP grounds bound towards Malalam. Of the five people inside the car, he only knew accused Quilang, whom he had known when both of them were tricycle drivers. He saw a frightened Quilang seated at the backseat between two persons. One of the unknown persons was armed.<sup>[30]</sup>

According to accused Quilang, when he reported for duty on September 28, 1991, he did not see Bucad report for work. Four persons, claiming to be DBP employees, arrived and asked for the whereabouts of the branch manager. Quilang denied knowing the latter's whereabouts. Suddenly, the men grabbed his gun. He shouted Bucad's name for help, but they poked the gun at him and threatened him with

death if he shouted for help. Two persons asked for the car keys and proceeded to the garage to get the car. At this point, Quilang heard gun reports. As the dirty-white DBP service car stopped in front of the bank, two men forced him inside the car and sped towards Cabagan, Isabela.<sup>[31]</sup>

As the car passed by the NBI office, the men blindfolded Quilang. When the car stopped, the men brought him out of the car and stripped him of his uniform, leaving him wearing his sando shirt and brief. The men brought him inside the car again, tied his hands with masking tape and drove the car towards a bodega. They detained Quilang in the bodega for an indeterminate period of time, but was constantly fed. He made no attempt to determine his whereabouts or to escape detention for fear of his life. When he was finally released, the men threatened him not to report the incident to anyone, lest he and his family would be killed. Thus, he did not report the incident to police authorities. Neither did he relay the events to his DBP superiors nor tendered his resignation therefrom. After his release, Quilang went to Pasig, Metro Manila, to look for a job. Due to the threat, he stayed away from his family in Ilagan, Isabela from September 28, 1991, until his arrest in Laguna on February 24, 1994. However, he visited his family in BLISS, Ilagan, Isabela, every December, starting the year 1991.<sup>[32]</sup>

He considered Bucad as a good friend and the Layugan siblings, Melanie and Merwin, treated him as their big brother. He belied the allegations that he was responsible for the deaths of Ricardo Natividad and Erna Layugan. He maintained that he was likewise a victim of the incident, as everyone blamed him for what happened.<sup>[33]</sup>

In convicting the accused Quilang of the murder charges, the trial court ruled that Natividad was killed in cold blood with evident treachery, while evident premeditation and treachery attended Layugan's death. Natividad sat unarmed when he was shot without provocation or given a chance to defend himself. After killing Natividad, accused Quilang looked for Erna Layugan. When Layugan realized that accused Quilang was after her, she asked the reason why he was running after her. Accused Quilang had enough time to reflect on what he was doing. When Layugan tripped and fell, accused Quilang mercilessly shot her twice in the head. The trial court disregarded the evidence of the defense as bereft of logic and common sense. The trial court awarded damages to the respective families of the deceased, as earlier quoted.<sup>[34]</sup>

In his appeal, accused avers that: 1) the trial court erred in convicting him since the prosecution failed to prove his guilt beyond reasonable doubt; and 2) the trial court erred in convicting him not on the strength of prosecution's evidence but on the weakness of the evidence for the defense.

Accused emphasizes the alleged incredible testimony of Melanie Layugan to support his claim that the prosecution failed to prove his guilt beyond reasonable doubt. Accused maintains that Melanie's nonchalant attitude casts doubt not only on her credibility, but shows that the prosecution's evidence is not strong enough to warrant his conviction. Accused stresses the failure of the trial court to explain why it gave credence to the testimonies of the prosecution witnesses. Furthermore, he harps on the trial court's statement that the "evidence for the defense x x x is bereft of logic and common sense." He avers that the trial court based the conviction on