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MISAELO DOMINGO C. BATTUNG III
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Third Division

NOV 12 2019

Republic of the Philippines
Supreme Court
Manila

SUPREME COURT OF THE PHILIPPINES
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THIRD DIVISION

PEOPLE OF THE PHILIPPINES,
Plaintiff-Appellee,

G.R. No. 227755

Present:

-versus-

PERALTA, J., Chairperson,
LEONEN,
REYES A., JR.,
HERNANDO, and
INTING, JJ.

NOEL LITA and ROMULO
MALINIS,
Accused-Appellants.

Promulgated:
August 14, 2019

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DECISION

LEONEN, J.:

The trial court's determination of witness credibility will seldom be disturbed on appeal unless significant matters were overlooked. A reversal of these findings becomes even more inappropriate when affirmed by the Court of Appeals.¹

This Court resolves the appeal from the Decision² of the Court of Appeals, which affirmed the Regional Trial Court Decision³ finding Noel

¹ *People v. Dimapilit*, 816 Phil. 523, 540-541 (2017) [Per J. Leonen, Second Division].

² *Rollo*, pp. 2-22. The Decision dated December 10, 2015 in CA-G.R. C.R.-H.C. No. 06341 was penned by Associate Justice Edwin D. Sorongon and concurred in by Associate Justices Ramon A. Cruz and Renato C. Francisco of the Special Sixteenth Division, Court of Appeals, Manila.

³ *CA rollo*, pp. 69-92. The Decision dated April 10, 2013 in Criminal Case No. 99-177074 was penned by Former Acting Presiding Judge Thelma Bunyi-Medina of Branch 18, Regional Trial Court, Manila.

Lita (Lita) and Romulo Malinis (Malinis) guilty beyond reasonable doubt of the murder of Hipolito Rementilla (Hipolito).⁴

In an Information, Lita and Malinis, along with Barangay Chair Benito Moncada (Barangay Chair Moncada), Sebastian Requitud (Requitud), Joselito Piliin (Piliin), Benigno Obrador (Obrador), Inosencio Pondano (Pondano), Felicisimo Amada (Amada), and Julian Consul (Consul), were charged with the murder of Hipolito.⁵

The Information read:

That on or about 12:10 in the early morning of December 21, 1998 at Brgy. Paagahan, Municipality of Mabitac, Province of Laguna, Philippines, and within the jurisdiction of this Honorable Court, the above-named accused, conspiring, confederating, and mutually helping one another, under one common design and purpose, by means of treachery, evident premeditation, with intent to kill, while conveniently armed with unlicensed cal. 45 pistols and .38 revolver, did then and there willfully, unlawfully, and feloniously attack, assault, and sho[o]t Brgy. Councilman HIPOLITO E. REMENTILLA with the said weapons thereby causing fatal gunshot wounds on the different parts of the body of the victim which caused his instantaneous death, to the damage and prejudice of the surviving heirs of the said victim.

That in the commission of the offense, the following aggravating circumstances of nighttime and use of superior strength attended the killing of HIPOLITO E. REMENTILLA.

Contrary to law[.]⁶

The events leading to Hipolito's killing happened around the time that the Christmas party in Barangay Paagahan, Mabitac, Laguna took place on the night of December 20, 1998. All of the accused, except Barangay Chair Moncada, who was then at large, pleaded not guilty to the crime charged.⁷

Trial ensued.

For the prosecution, Ma. Socorro Banyon (Banyon) testified that sometime in the afternoon of December 20, 1998 in Barangay Paagahan,⁸

⁴ Id. at 91.

⁵ *Rollo*, pp. 2-3.

⁶ Id. at 3. In the trial court Decision, Hipolito Rementilla's middle initial in the Information was S.

⁷ Id. at 3 and *CA rollo*, p. 71.

⁸ *CA rollo*, p. 71.

she saw Amada, Barangay Chair Moncada, and Requitud standing on the road leading to Hipolito's house. They were pointing to Hipolito's house while talking.⁹

Nonilon Rementilla (Nonilon) testified that at around 11:50 p.m. that same day, upon seeing his uncle Hipolito walking home from the barangay Christmas party, he offered to accompany him. When his uncle refused the offer, Nonilon still followed him, fearing for his safety.¹⁰

While he was following Hipolito, Nonilon saw Consul come "from the rear right side of his uncle"¹¹ and shoot Hipolito twice. Then, he saw Amada emerge from his uncle's left rear side to shoot him once more. Amada would shoot Hipolito five (5) more times as he was already lying "supine on the pavement."¹²

As this happened, Nonilon saw Lita and Malinis "nearby, holding their guns, seemingly acting as look outs (*sic*)."¹³ When Nonilon realized that he had been spotted by the assailants, he ran away towards the highway.¹⁴

The assailants later fled the scene, allowing Nonilon to return to his uncle's side. As Hipolito lay on the ground, Nonilon heard him utter, "*Si Fely, si Puti at sina . . .*"¹⁵ which Nonilon understood to mean Amada and Lita, whose nickname was Puti.¹⁶ Hipolito's wife Zenaida and several others who had heard the gunshots arrived at the scene a few minutes later. They were able to bring Hipolito to the hospital, but he was pronounced dead on arrival.¹⁷

The prosecution also presented Benedicto Sayaman (Sayaman), who testified that on December 20, 1998, he attended a meeting at Barangay Chair Moncada's house, where all the accused gathered to discuss the killing of Hipolito and several others. The meeting began at around 10:00 p.m. with Barangay Chair Moncada announcing "the 'work' he intends to be accomplished[.]"¹⁸

Sayaman testified that according to Barangay Chair Moncada's plan, Hipolito would be killed while he was on his way home from the barangay

⁹ Id. at 73.

¹⁰ Id. at 72.

¹¹ Id.

¹² Id.

¹³ Id.

¹⁴ Id.

¹⁵ Id.

¹⁶ Id. at 72-73.

¹⁷ Id. at 73.

¹⁸ Id. at 71.

Christmas party. Consul would shoot Hipolito first and Amada would ensure that the plan was accomplished while the other accused would serve as lookouts. Barangay Chair Moncada provided the group with weapons.¹⁹

Sayaman testified that all except him agreed with the plan, but out of fear of reprisal, he kept his disagreement to himself.²⁰ When the group dispersed, Sayaman went home and stayed put. At about past midnight, he heard several gunshots.²¹

Dr. Winston Tan (Dr. Tan), the physician who conducted Hipolito's postmortem examination, testified that Hipolito sustained eight (8) gunshot wounds: three (3) on the front and five (5) on the back of his body.²²

Police Inspector Lorenzo Sabug, who testified on the ballistic examination of the .45 caliber bullet and eight (8) .45 caliber fired cartridges recovered from the crime scene, concluded that all these items were fired from a colt .45 caliber firearm.²³

The defense interposed various denials and alibis.

Malinis testified that on the night of the incident, he was at home sleeping when police officers came to their house looking for his brother, Lita, and one "Onyok." When he located Lita and Onyok the following day, he accompanied them to the municipal hall. However, upon orders from the Mayor of Mabitac, Malinis was also charged with killing Hipolito. He said that CIS Investigator Arvin Evangelista told him to point to Barangay Chair Moncada as the crime's mastermind. When he refused, as he allegedly had no knowledge of the crime, Malinis was detained.²⁴ Malinis also admitted that his house was a mere walking distance from Hipolito's house.²⁵

Meanwhile, Lita testified that on the night of the incident, he was watching the Christmas party at the barangay plaza with Bino Garcia (Garcia), Onyok Aklan (Aklan), and Willy Bocod (Bocod). Later that night, they all decided to have a drinking session at Bocod's house, which was about half a kilometer from the plaza. Their drinking spree had lasted until past 3:00 a.m. before he, Garcia, and Aklan went to his nipa hut, and there slept. The following morning, Lita found out about Hipolito's death from his brother, Malinis.²⁶

¹⁹ Id.

²⁰ Id.

²¹ Id. at 71-72.

²² Id. at 73.

²³ Id. at 73-74.

²⁴ Id. at 74.

²⁵ Id. at 75.

²⁶ Id. at 78-79.

Both Malinis and Lita expressed suspicions that they were implicated in the crime for refusing to testify against Barangay Chair Moncada.²⁷

The other accused interposed similar denials. Requitud, the barangay captain of Barangay Inapayan, was allegedly helping with preparations for their Christmas party. When he was done, he went home, passing by a neighbor's house along the way.²⁸ Requitud's testimony was corroborated by Florentino Dela Cruz, who saw him fixing Christmas lights at the Barangay Paagahan hall, and Luciano Albitos, who said that Requitud passed by his house to help him slaughter a pig.²⁹ Requitud speculated that he was implicated in the crime for refusing to testify against Barangay Chair Moncada when Mayor Sarayot, Hipolito's nephew, asked him to testify around a week after Hipolito's burial.³⁰

Meanwhile, Amada testified that he left the Christmas party at around 11:00 p.m. and proceeded home to watch a movie with his family until around 1:00 a.m.³¹

For his part, Pondano testified that after holding a vigil for his recently departed wife, he slept from 8:00 p.m. of December 20, 1998 until the next morning. He also testified that Hipolito was his "kumpare[.]"³² Pondano's testimony was corroborated by his daughter.³³

Piliin, meanwhile, testified that on the night of the incident, he was at his home in Barangay San Miguel, which was about eight (8) kilometers from Barangay Paagahan. He admitted that he owned a motorcycle that could travel this distance. He also admitted that earlier that night, at around 7:00 p.m., he had visited Mayor Sarayot's house in Barangay Paagahan to purchase cow meat.³⁴

Consul had initially denied any participation but subsequently recanted. He testified having met with Barangay Chair Moncada during the Christmas party. At the meeting, it was agreed that he and one Luisito San Juan would follow Hipolito home from the Christmas party, and whoever was able to approach Hipolito first would be the first to shoot him. Consul said that he was able to fire successive shots at Hipolito from his super .38 gun before running away himself. He heard several more gunshots

²⁷ Id. at 74 and 79.

²⁸ Id. at 76.

²⁹ Id. at 77.

³⁰ Id. at 76.

³¹ Id. at 77.

³² Id. at 80.

³³ Id. at 81.

³⁴ Id. at 79-80.

afterwards, but he was not sure who fired them.³⁵

Consul testified that he never saw any of his co-accused before, during, or after the incident, aside from Requitud, whom he allegedly saw while he was incarcerated at the provincial jail.³⁶

Pending trial, Amada, Consul, Piliin, and Obrador died.³⁷

In its April 10, 2013 Decision,³⁸ the Regional Trial Court found Lita and Malinis guilty of murder.

Despite Nonilon's relationship with the victim, his testimony was given credence by the trial court for being a "straightforward and categorical eyewitness account"³⁹ of what had transpired, and for his generally cordial relationship with the accused. According to the trial court, the lack of animosity between them negated any supposed familial bias.⁴⁰ His familiarity with the accused, his reasonable distance from the events as they transpired, and the presence of sufficient lighting from a nearby tamarind tree rendered his identification of the accused believable.⁴¹ Moreover, Consul's subsequent admission to shooting Hipolito bolstered Nonilon's version of events.⁴²

Moreover, the trial court found that Dr. Tan's testimony that Hipolito suffered gunshot wounds "at the back of the right chest"⁴³ and "at the back portion of the right arm"⁴⁴ was consistent with Nonilon's recollection of where and how many times Consul shot Hipolito. The physician's findings that entry points were also found "at the back portion, and middle third of the left thigh," also jived with Nonilon's placement of Amada, at the rear left side of Hipolito.⁴⁵

However, the trial court recognized the inconsistency between the two (2) testimonies. Nonilon testified that since he saw Hipolito get shot five (5) times as he lay face-up, there must have been five (5) wounds in the front of his body. Meanwhile, Dr. Tan's postmortem examination found that Hipolito had five (5) entry wounds in the back, and only three (3) in the front. Despite this, the trial court dismissed any dissonance between the two

³⁵ Id. at 75-76.

³⁶ Id. at 76.

³⁷ Id. at 69.

³⁸ Id. at 69-92.

³⁹ Id. at 81.

⁴⁰ Id. at 83.

⁴¹ Id. at 85.

⁴² Id. at 83.

⁴³ Id.

⁴⁴ Id. at 84.

⁴⁵ Id.

(2) testimonies, theorizing that Hipolito may have been squirming in pain while being shot and “may have turned his back against his assailant until he has finally ended up supine.”⁴⁶

As to the presence of conspiracy, the trial court doubted Sayaman’s credibility after he had admitted that some of the targets were his relatives. It found it hard to believe that Sayaman would be trusted with incriminating information on a criminal plot against his own kin.⁴⁷ However, it held that Nonilon’s testimony was sufficient to establish concerted action among the accused:

Obviously, from his (Nonilon) narration of facts, accused [Consul] fired two shots for the initial execution of the scheme to liquidate the victim. It was followed by the accused [Amada], who fired another shot and subsequently discharged five more slugs towards the victim. Palpably, these are concerted steps aimed at accomplishing the intended purpose of ending the life of the victim. The presence of accused [Piliin], [Lita] and [Malinis] very near the crime scene was far from passive. Each of them was carrying a gun, acting as lookouts. In the mind of this court, these acts exhibited by them could reasonably be inferred as they were ready to assist the two (2) assailants, should anybody stand in the way in accomplishing this goal of taking the life of the victim.

Thus, drawn from the convergence of these acts is the inescapable conclusion that these acts were complimentary (*sic*) to one another and geared toward the attainment of the ultimate objective of claiming the life of the victim.⁴⁸

As to the presence of treachery, the trial court found that Nonilon’s testimony established the use of means that would deprive Hipolito of a chance to defend himself. The postmortem examination showed posterior entry wounds, meaning Hipolito was shot in the back. The trial court then theorized that the wounds in the front could have been inflicted while Hipolito was writhing on the ground. Evident premeditation was also appreciated in view of Consul’s admission that there was a prior plot to kill Hipolito, which they eventually carried out. Thus, the accused were determined to carry on with the killing.⁴⁹

The trial court did not rule on the other alleged aggravating circumstances of nighttime and use of superior strength. Neither did the prosecution present evidence establishing these circumstances.

The trial court imposed on Lita and Malinis the penalty of *reclusion*

⁴⁶ Id. at 85.

⁴⁷ Id. at 87–88.

⁴⁸ Id. at 86–87.

⁴⁹ Id. at 89–90.

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perpetua without eligibility for parole, in view of Republic Act No. 9346 proscribing capital punishment.⁵⁰ Meanwhile, it acquitted Obrador, Requitud, and Pondano, reasoning that even if Sayaman's testimony were true, the three (3) accused were merely present at the meeting but did not participate in furthering the plan of killing Hipolito. Neither was it proven that they acquiesced to the plan.⁵¹

Lita and Malinis appealed their conviction, alleging in their Brief⁵² that their guilt was not proven beyond reasonable doubt. They questioned the existence of a conspiracy, which they claimed should have been proven by facts and not by "mere inferences and presumption."⁵³ They cited Consul's admission of shooting Hipolito and emphasized his categorical statement that neither of them was present during the shooting or the meeting with Barangay Chair Moncada.⁵⁴

Even assuming that they were present at the shooting, Lita and Malinis questioned the veracity of Nonilon's account of their roles as lookouts. They also questioned the credibility of Nonilon's testimony, claiming that he acted contrary to human experience when he did nothing to stop the attack.⁵⁵

Lita and Malinis also cited inconsistencies in the testimonies of Nonilon and Dr. Tan as to where and how many times Hipolito was shot. They claimed that the trial court's theory that Hipolito squirmed on the ground while being shot contradicted Nonilon's testimony that he last saw his uncle "lying supine on the ground."⁵⁶

Lita and Malinis alleged that they should be acquitted in view of the equipoise doctrine.⁵⁷ Assuming that the convictions were valid, they argued that the trial court failed to consider the mitigating circumstance of voluntary surrender, pointing out that they had voluntarily appeared at the municipal hall the day after the incident.⁵⁸

Finally, Lita and Malinis argued that not all denials and alibis are fabricated, and that the rule on positive testimony trumping negative testimony should not be deemed ironclad.⁵⁹ They claimed that "[a] lying witness can make as positive an identification as a truthful witness can."⁶⁰

⁵⁰ Id. at 91.

⁵¹ Id. at 88-89.

⁵² Id. at 51-68.

⁵³ Id. at 62.

⁵⁴ Id.

⁵⁵ Id. at 63.

⁵⁶ Id. at 64.

⁵⁷ Id.

⁵⁸ Id. at 65.

⁵⁹ Id. at 65-66.

⁶⁰ Id. at 66.

On the other hand, the Office of the Solicitor General argued in its Brief⁶¹ that all the elements of murder were duly established by Nonilon's eyewitness testimony, as corroborated by Consul's admission.⁶²

The Office of the Solicitor General further argued that Nonilon's testimony was credible, invoking the rule that the "factual findings of the trial court should be given full faith and credit unless there is a showing of a misinterpretation of material facts or grave abuse of discretion."⁶³ It opined that the trial court is in the best position to assign "values to declarations on the witness stand, . . . having heard the witness and observed his demeanor, conduct[,] and attitude under grueling examination."⁶⁴ It maintained that in this case, the trial court carefully weighed the evidence and even disregarded Sayaman's testimony for being contrary to human experience.⁶⁵

The Office of the Solicitor General further argued that the trial court did not misapprehend Nonilon's testimony vis-à-vis Dr. Tan's testimony. It maintained that "[t]he trial court pieced together the testimonial evidence by eyewitness Nonilo[n] with the physical evidence of the post-mortem examination"⁶⁶ and arrived at a logical conclusion.⁶⁷

As to conspiracy, the Office of the Solicitor General argued that no direct proof is needed to establish its existence since "it may be inferred from the acts of the accused before, during[,] or after the commission of the crime[,]"⁶⁸ as in this case. That both Lita and Malinis were seen at the crime scene, holding weapons and acting as lookouts while Hipolito was being shot,⁶⁹ allegedly established their unity in criminal design.⁷⁰

The Office of the Solicitor General also argued that Lita and Malinis failed to establish the elements of voluntary surrender as a mitigating circumstance. It asserted that, even if voluntary surrender could mitigate the penalty imposed, the existence of evident premeditation and treachery would cancel this out.⁷¹

Finally, the Office of the Solicitor General alleged that Lita and Malinis may not rely on their alibis when these were not even corroborated

⁶¹ Id. at 101–124.

⁶² Id. at 110–114.

⁶³ Id. at 114.

⁶⁴ Id.

⁶⁵ Id. at 115.

⁶⁶ Id. at 117.

⁶⁷ Id. at 117–118.

⁶⁸ Id. at 118.

⁶⁹ Id.

⁷⁰ Id. at 119.

⁷¹ Id. at 120.

by any other witness. It maintained that as long as “there is least chance for the accused to be present at the crime scene, the defense of alibi must fail.”⁷² Since both Lita and Malinis “failed to exclude the slightest chance of [their] presence”⁷³ at the crime scene, the Office of the Solicitor General claimed that their defenses lacked merit.⁷⁴

In its December 10, 2015 Decision,⁷⁵ the Court of Appeals affirmed the Regional Trial Court Decision *in toto*. It found Lita and Malinis’ objections to Nonilon’s credibility untenable, as there was no reason for Nonilon to falsely testify against them despite his relationship with the victim. It upheld the trial court’s factual findings and its weighing of the parties’ evidence.⁷⁶

Moreover, the Court of Appeals did not give credence to Lita and Malinis’ defense of alibi, noting that they both admitted being in the vicinity of the crime scene, apart from their alibis not being corroborated by any other witness.⁷⁷ The Court of Appeals noted that an accused’s alibi is “often viewed with caution not only because it is inherently weak and unreliable but also because it is easy to fabricate.”⁷⁸

As to the existence of conspiracy, the Court of Appeals held that it “may be proved by direct evidence or circumstantial evidence.”⁷⁹ It held that the overt acts of Lita and Malinis—as witnessed by Nonilon and corroborated by Zenaida, Sayaman, and Consul, along with Hipolito’s dying declaration identifying Amada and Lita as the assailants—exhibited a unity of purpose and execution.⁸⁰

The Court of Appeals likewise upheld the trial court’s finding of treachery and evident premeditation. Consul’s admitted shooting of Hipolito from behind deprived him of the opportunity to defend himself. The five (5) succeeding gunshots after Hipolito had fallen to the ground ensured the execution of the accused’s intent. Likewise, Consul admitted to a prior plot to kill Hipolito when he was invited to a meeting by Barangay Chair Moncada. Thus, a sufficient interval passed from the time they agreed to kill Hipolito up to the time of his actual shooting.⁸¹

Finally, the Court of Appeals rejected Lita and Malinis’ theory on their

⁷² Id. at 121.

⁷³ Id. at 122.

⁷⁴ Id. at 121–122.

⁷⁵ *Rollo*, pp. 2–22.

⁷⁶ Id. at 12–13.

⁷⁷ Id. at 13–14.

⁷⁸ Id. at 13.

⁷⁹ Id. at 14.

⁸⁰ Id. at 14–16.

⁸¹ Id. at 18–19.

voluntary surrender. It held that a mere allegation, without proof on how they satisfied the elements of the mitigating circumstance, was insufficient.⁸²

On January 19, 2016, Lita and Malinis filed a Notice of Appeal before the Court of Appeals.⁸³ The Court of Appeals gave due course to the appeal in a January 28, 2016 Resolution.⁸⁴

The parties were directed to submit supplemental briefs, but both manifested that they were adopting the same arguments in their respective Briefs before the Court of Appeals.⁸⁵

The issue for this Court's resolution is whether or not the Court of Appeals committed reversible error in affirming the conviction of accused-appellants Noel Lita and Romulo Malinis for the crime of murder.

This Court dismisses the appeal.

The factual findings of the Regional Trial Court, as affirmed by the Court of Appeals, are likewise affirmed by this Court. The Regional Trial Court had the opportunity to personally observe the witnesses during their testimonies. Thus, its assignment of probative value to testimonial evidence will not be disturbed except when significant matters were overlooked. A reversal of its findings becomes even less likely when affirmed by the Court of Appeals.⁸⁶

Here, the Regional Trial Court found Nonilon's testimony "straightforward and categorical[.]"⁸⁷ His account was further corroborated by the testimonies of Zenaida, Banyon, and Dr. Tan, coupled with Consul's admissions.⁸⁸ Based on these testimonies, the Regional Trial Court found accused-appellants guilty beyond reasonable doubt of killing Hipolito. It also held that the prosecution witnesses' testimonies established accused-appellants' agreement to kill Hipolito, and detailed the concerted actions to carry out the agreement.

On appeal, the Court of Appeals affirmed the trial court's findings on the witnesses' credibility and maintained that the prosecution evidence was sufficient to maintain the conviction. On the other hand, accused-appellants' alibis and denials, while not automatically unmeritorious, were not even

⁸² Id. at 20.

⁸³ Id. at 23–25.

⁸⁴ Id. at 26.

⁸⁵ Id. at 32–41.

⁸⁶ *People v. Dimapilit*, 816 Phil. 523, 540–541 (2017) [Per J. Leonen, Second Division].

⁸⁷ CA rollo, pp. 81–82.

⁸⁸ Rollo, pp. 14–16.

corroborated.⁸⁹ This, despite accused-appellants' similar claims that they were with companions at the time the killing was taking place.⁹⁰ They also failed to satisfy the requirements for a valid alibi, as laid down by prior judicial precedents. Both accused-appellants admitted that they were reasonably within the vicinity where Hipolito was killed.⁹¹

Granted, Nonilon's testimony had inconsistencies with Dr. Tan's medical findings, but they do not disprove that Hipolito was shot eight (8) times. Quite the contrary, minor inconsistencies in witnesses' testimonies may indicate a lack of coaching and, thus, spontaneity and truthfulness. In *People v. Nelmidia*:⁹²

It is axiomatic that slight variations in the testimony of a witness as to minor details or collateral matters do not affect his or her credibility as these variations are in fact indicative of truth and show that the witness was not coached to fabricate or dissemble. *An inconsistency, which has nothing to do with the elements of a crime, is not a ground to reverse a conviction.*⁹³ (Emphasis supplied, citation omitted)

Thus, the actual locations of Hipolito's wounds, as found in the postmortem examination, do not detract from Nonilon's eyewitness account that accused-appellants were present and aiding the commission of the crime.

Neither is there merit to accused-appellants' allegations that the mitigating circumstance of voluntary surrender should apply to their case. In *People v. Garcia*:⁹⁴

The essence of voluntary surrender is spontaneity and the intent of the accused to give himself up and submit himself unconditionally to the authorities either because he acknowledges his guilt or he wishes to save the authorities the trouble and expense that may be incurred for his search and capture.⁹⁵ (Citation omitted)

Here, after accused-appellant Malinis had been informed that accused-appellant Lita was a suspect in Hipolito's killing, both appeared at the municipal hall and were later detained. Upon arraignment, they both pleaded not guilty to the charge of murder and continue to maintain their innocence. Thus, it cannot be said that they surrendered themselves as an acknowledgment of guilt. Without this element, the surrender cannot be deemed spontaneous and, thus, falls short of establishing their supposed

⁸⁹ Id. at 13-14.

⁹⁰ CA rollo, pp. 74-75 and 78-79.

⁹¹ Id.

⁹² 694 Phil. 529 (2012) [Per J. Perez, En Banc].

⁹³ Id. at 559.

⁹⁴ 577 Phil. 483 (2008) [Per J. Brion, En Banc].

⁹⁵ Id. at 505.

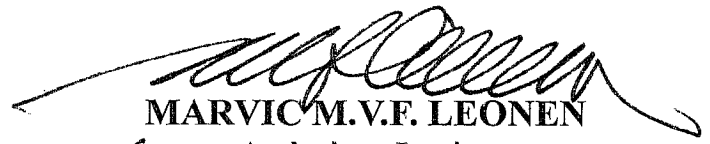
voluntary surrender as a mitigating circumstance.⁹⁶

The lower courts correctly gave credence to the prosecution's version of events. In light of accused-appellants' failure to institute any valid defenses or point to any significant matters overlooked by the lower courts, the Court of Appeals correctly affirmed their conviction.


Accused-appellants are, therefore, guilty beyond reasonable doubt of murder. The penalty for murder is *reclusion perpetua*, in view of Republic Act No. 9346 proscribing the imposition of capital punishment. Accused-appellants' civil indemnity will be subject to determination in the separate civil action filed by the victim's daughter and docketed as Civil Case No. 99-92647.⁹⁷

WHEREFORE, the December 10, 2015 Decision of the Court of Appeals in CA-G.R. C.R.-H.C. No. 06341 is **AFFIRMED**. Accused-appellants Noel Lita and Romulo Malinis are guilty beyond reasonable doubt of murder as defined and penalized under Article 248 of the Revised Penal Code, as amended. They are sentenced to suffer the penalty of *reclusion perpetua*, with all the accessory penalties provided by law.

SO ORDERED.


MARVIC M.V.F. LEONEN
Associate Justice

WE CONCUR:


DIOSDADO M. PERALTA
Associate Justice
Chairperson

⁹⁶ Id.

⁹⁷ CA rollo, p. 69.

Meyer
ANDRES B. REYES, JR.
Associate Justice

R. Hernandez
RAMON PAUL L. HERNANDO
Associate Justice

Inting
HENRI JEAN PAUL B. INTING
Associate Justice

ATTESTATION

I certify that the conclusions in the above Decision had been reached in consultation before the case was assigned to the writer of the opinion of the Court's Division.

Diosdado M. Peralta
DIOSDADO M. PERALTA
Associate Justice
Chairperson

CERTIFICATION

Pursuant to Section 12, Article VIII of the Constitution and the Division Chairperson's Attestation, I certify that the conclusions in the above Decision had been reached in consultation before the case was assigned to the writer of the opinion of the Court's Division.

CERTIFIED TRUE COPY

Lucas P. Bersamin
LUCAS P. BERSAMIN
Chief Justice

Misael Domingo C. Battung III
MISAEEL DOMINGO C. BATTUNG III
Deputy Division Clerk of Court
Third Division

NOV 12 2019