



Republic of the Philippines
Supreme Court
Manila

SUPREME COURT OF THE PHILIPPINES
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SECOND DIVISION

PEOPLE OF THE PHILIPPINES,
Plaintiff-Appellee,

G.R. No. 227748

Present:

- versus -

CARPIO, J., Chairperson,
PERLAS-BERNABE,
CAGUIOA,
REYES, J., JR., and
LAZARO-JAVIER, JJ.

EDDIE VERONA,
Accused,

Promulgated:

**EFREN VERONA and
EDWIN VERONA,**
Accused-Appellants.

19 JUN 2019

x-----*M. Cabalag*-----x

DECISION

CARPIO, J.:

The Case

This is an ordinary appeal to reverse the 1 August 2016 Decision¹ of the Court of Appeals in CA-G.R. CEB-CR HC No. 01481 which affirmed with modification the 20 February 2012 Judgment² of the Regional Trial Court of Tacloban City, Branch 6, in Criminal Case No. 99-01-42, finding accused Eddie Verona (Eddie) and accused-appellants Efren and Edwin Verona (Efren and Edwin) guilty beyond reasonable doubt of the crime of murder for the death of Manuel Tingoy (Manuel).

The Charge

In an Information signed by Provincial Prosecutor Teresita S. Lopez, Eddie, Efren, and Edwin were charged with the crime of murder penalized under Article 248 of the Revised Penal Code. The accusatory portion of the Information reads:

¹ Rollo, pp. 4-15. Penned by Associate Justice Germano Francisco D. Legaspi, with Executive Justice Gabriel T. Ingles and Associate Justice Marilyn B. Lagura-Yap concurring.
² CA rollo, pp. 13-25. Penned by Assisting Judge Lauro A.P. Castillo, Jr.

That on or about the 27th day of October, 1998, in the Municipality of Tanauan, Province of Leyte, Philippines, and within the jurisdiction of this Honorable Court, the above-named accused, conspiring, confederating together and mutually helping one another, with intent to kill, with treachery and abuse of superior strength, did then and there wil[l]fully, unlawfully and feloniously performed the following acts, to wit: accused Dioscoro Verona and Eddie Verona flagged down the passenger jeepney driven by Romeo Ortega and when the vehicle stopped, accused Efren Verona, Edwin Verona and Edgar Verona suddenly and unexpectedly took turns in hacking and stabbing Manuel Tingoy with the use of short bolos and a long bolo which the said accused provided themselves for the purpose while accused Rogelio Verona who was also armed with a bolo, stood on guard, thereby inflicting multiple incised and stab wounds on the different parts of the body of Manuel Tingoy which were the direct and immediate cause of his death.

CONTRARY TO LAW.³

During their arraignment on 22 November 1999, Dioscoro Verona, the father of Eddie and Edgar Verona, Efren and Edwin pleaded not guilty. A pre-trial conference was conducted on 7 December 1999. Trial on the merits of the case ensued thereafter.

The prosecution presented two witnesses: (1) Ms. Eva Castaño, a passerby riding a motorcycle; and (2) Dr. Nemia Yebron-Sangrano, the Municipal Health Officer of Dagami, Leyte. The prosecution also formally offered in evidence documentary Exhibit "A" and series, the medico-legal necropsy report issued on 28 October 1998 by Dr. Nemia Yebron-Sangrano, and Exhibit "B" and series, a sketch of the human anatomy with printed name and signature of Dr. Nemia Yebron-Sangrano.⁴

The defense presented the testimonies of the following witnesses: (1) Edwin Verona, (2) Efren Verona, and (3) Dioscoro Verona.

Dioscoro Verona died while under detention.⁵ Eddie Verona remains at large.⁶

Version of the Prosecution

Below is the version of facts of the prosecution as cited in the Decision of the Court of Appeals:

Around 8:40 in the morning of October 27, 1998, Romeo Ortega (Ortega) was driving his passenger jeepney known as "Valizing" along the highway in Barangay Guingauan, Tanauan,

³ *Rollo*, p. 6.

⁴ *CA rollo*, p. 5.

⁵ *Id.* at 16.

⁶ *Rollo*, p. 4.

Leyte. The “Valizing” which was plying the Burauen-Tacloban City route, had Manuel [Tingoy] as conductor. The jeepney came from Burauen, Leyte and was on its way to Tacloban City.

Dioscoro and Eddie flagged down the jeepney and Ortega stopped to let them aboard. Suddenly Edgar, who was then standing on the left side of the jeepney, tried to stab Ortega with a “pisao” (short bolo). However, it was the right hand of Arlene Yepes, the passenger seated on the left side of Ortega, that was hit. Seeing Arlene Yepes wounded, Ortega immediately drove off.

Ortega knew Edgar as the conductor of “7 Brothers,” a competitor transportation company plying the same route – Burauen-Tacloban City.

As the “Valizing” left, Eva Castaño, who was then riding a motorcycle twelve meters behind the said jeepney saw Dioscoro, Eddie, Edwin, Edgar and Efren. Dioscoro, Eddie and Edwin carried long bolos, about 70 cm. in length, while Edgar and Efren carried short bolos, about 33-34 cm. in length. Eva Castaño also saw Rogelio Verona standing near a barangay tanod outpost, about six meters away from the “Valizing.”

Eva Castaño knew Efren, Edwin and Eddie even before the October 27, 1998 incident because she used to go to Cansamada, Dagami, Leyte where said accused lived and had seen them in the place.

Manuel, the conductor, was then holding on with both hands on the “Valizing” and was standing on its rear step board. Suddenly, Efren and Eddie stabbed Manuel at the back, causing the latter to fall on the ground. As Manuel lay flat on the ground, Edwin hacked Manuel on the head and many times on the body. Edgar also hacked Manuel. Dioscoro was seen holding a bolo as he stood near Manuel.

Dr. Nemia Yebron Sangrano, Municipal Health Officer of Dagami, Leyte, examined the dead body of Manuel. In her Medico-Legal Necropsy Report, she determined the death of Manuel as severe hemorrhage due to multiple stab wounds. The wounds sustained by the victim were:

X X X X

Dr. Sangrano identified wounds numbers 1, 2, 3 and 6 as fatal because such wounds injured vital organs and major blood vessels. She opined that the incised and stab wounds could have been inflicted by a sharp-edged instrument, such as a bolo.⁷

⁷ Id. at 6-8.



Version of the Defense

On the other hand, the version of facts of the defense as cited in the same Decision is as follows:

The defense presented appellants Edwin, Efren and Dioscoro.

Appellant Edwin declared that he was in Barangay Guingauan, Tanauan, Leyte on October 27, 1998 and was waiting for the results of the Jai-Alai game. After an hour, his brother Edgar and Manuel, the victim, were fighting. He ran inside the house of a certain person nicknamed "Caradol" to get a long bolo. His house was 30 meters away from the place where Edgar and Manuel were fighting. At the time he saw them, Edgar and Manuel were delivering stab thrusts at each other. Edgar, who was smaller than Manuel, was armed with a long bolo, while Manuel was armed with a short bolo. After about 20 minutes of fighting, Manuel fell down because he sustained wounds on his head and nape. Edgar was wounded on the finger of his left hand. [After] Manuel fell down, Edwin left and went to his nipa hut in his ricefield in Barangay Cansamada, Dagami, Leyte. Edgar remained in the place. At the time that Edgar and Manuel were fighting, Efren did not get involved. Edwin did not know where Dioscoro was during the fight and he does not know Eva Castaño.

The second defense witness was Efren. On October 27, 1998, he was in the house of his uncle, Manuel Manubay, in Barangay Cansamada East and was watching television. The night before, he also watched television and went to bed at nine o' clock in the evening. Most of the time, he spends his evenings in said house since it is big and he can watch television. The house of his father is located from the house of his uncle Manuel Manubay. He stayed in the house of his uncle until noontime of October 27, 1998 and left for home. After the incident, he just stayed in Barangay Cansamada until he was arrested by the police [i]n September 1999. He does not know Manuel.

Dioscoro was the last defense witness. He died during the pendency of the case but after he testified in court. He testified that he was in the barangay hall of Barangay Cansamada East on October 27, 1998 and was on duty as a barangay councilor. He was implicated in the case and came to know that he was included three months after the incident. During those three months, he stayed in their house and did what he customarily does. The distance from Barangay Cansamada East and Barangay Guingauan, Tanauan, Leyte is about two kilometers. Edwin and Efren are his sons. He did not know about what the prosecution witnesses testified against them.⁸

The Ruling of the Regional Trial Court

In its Judgment dated 20 February 2012, the Regional Trial Court found Efren and Edwin guilty beyond reasonable doubt of the crime of murder with

⁸ Id. at 8-9.



the presence of the aggravating circumstances of treachery, abuse of superior strength, intent to kill, and conspiracy attending the commission of the crime. The Regional Trial Court held that the version of the prosecution was more “credible and believable and in accord with ordinary human experience.”⁹ The dispositive portion of the Judgment reads:

WHEREFORE, premises considered, Judgment is hereby rendered, finding the accused EFREN VERONA and EDWIN VERONA, Guilty beyond reasonable doubt of Murder in Criminal Case No. 99-01-42 and each one of them is hereby sentenced to suffer the penalty of *Reclusion Perpetua* without eligibility for parole. They are also hereby ORDERED to jointly and severally indemnify the Heirs of Manuel Tingoy, the sum of Php75,000.00 for civil indemnity ex delict[o]; Php75,000.00 for moral damages; and Php30,000.00 for exemplary damages.

Both accused EFREN VERONA and EDWIN VERONA are however ACQUITTED from the charge for Attempted Murder in Criminal Case No. 99-01-40 due to insufficiency of evidence.

No pronouncement as to costs.

SO ORDERED.¹⁰

The Ruling of the Court of Appeals

In its Decision dated 1 August 2016, the Court of Appeals affirmed with modification the Judgment of the Regional Trial Court, stating that “a trial court’s findings of fact are entitled to great weight and will not be disturbed on appeal,” especially if no facts of weight and substance have been overlooked, misapprehended or misapplied in a case under appeal. The Court of Appeals thus held:

WHEREFORE, this appeal is DENIED. The *Judgment* dated 20 February 2012 of Branch 6 of the Regional Trial Court of Tacloban City in Crim. Case No. 99-01-42 is AFFIRMED with MODIFICATION. The phrase “without eligibility for parole” in the penalty is DELETED.

SO ORDERED.¹¹

The Issue

Whether or not Eddie (at large), Efren, and Edwin are guilty of the crime of murder penalized under Article 248 of the Revised Penal Code.

⁹ CA rollo, p. 20.

¹⁰ Id. at 24-25.

¹¹ Rollo, p. 15.

The Ruling of the Court

The appeal is unmeritorious. Efren and Edwin's defenses of alibi and denial deserve no credence since they were not able to prove the impossibility of their physical presence at the time and scene of the incident.

Efren and Edwin alleged the following grounds in their appeal:

1. Prosecution witness, Eva Castaño, was not credible and reliable, thus, the guilt of appellants [was] not proven beyond reasonable doubt;
2. The trial court erred in finding that conspiracy attended the commission of the crime despite the prosecution's failure to establish and prove it;
3. The trial court erred in appreciating the aggravating circumstance of treachery despite the failure of the prosecution to establish and prove it; and
4. The trial court erred in appreciating the qualifying circumstance of abuse of superior strength when it should have been absorbed in treachery.

Inconsistencies may be disregarded if they do not impair the essential veracity of a witness's testimony.

Every criminal conviction requires the prosecution to prove two things with the same quantum of evidence of proof beyond reasonable doubt: (1) the fact of the crime, *i.e.*, the presence of all of the elements of the crime for which the accused stands charged; and (2) the fact that the accused is the perpetrator of the crime.¹² It is basic that when a crime is committed, the first duty of the prosecution is to prove the identity of the perpetrator of the crime beyond reasonable doubt for there can be no conviction even if the commission of the crime is established.¹³

Efren and Edwin allege that the prosecution eyewitness, Eva Castaño, was not credible and reliable because *first*, there were material inconsistencies and substantial contradictions in her statements, and *second*, her relative position from the crime scene did not possibly afford her good visibility for her to recognize the faces of the assailants.¹⁴

Efren and Edwin put much weight on the inconsistent testimony given by Eva Castaño regarding the first time she saw Efren and Edwin. In her sworn affidavit, she recounted that she first saw Efren and Edwin *before* the jeepney

¹² *People v. Ayola*, 416 Phil. 861, 871 (2001).

¹³ *People v. Sinco*, 408 Phil. 1, 12 (2001).

¹⁴ CA rollo, p. 62.



left. On the other hand, in her direct testimony, she testified that she first saw them *after* the jeepney had left. Finally, on cross-examination, she admitted that she knew Efren and Edwin even before the incident happened because she was a member of the cooperative in Brgy. Cansamada, a barangay Efren and Edwin frequented.¹⁵

The above inconsistencies are minor details which do not detract from Eva Castaño's credibility. These inconsistencies may be disregarded if they do not impair the essential veracity of the testimony of a witness.¹⁶ The eyewitness's confusion regarding the first time she saw Efren and Edwin does not affect in any manner the facts constituting the commission of the crime. The inconsistencies in her sworn affidavit and in-court testimonies were minimal and immaterial. Even if she was approximately 12 meters away from the *locus criminis* and considering that she testified in court three years after the incident, Eva Castaño was still categorical and consistent in the material details of her affidavit and testimony, that is, the identities of Efren and Edwin and the commission of the crime of murder.

Furthermore, we agree with the Office of the Solicitor General that "findings of fact of the trial court as to the credibility of witnesses are accorded great weight and respect when no glaring errors, gross misapprehension of facts, and speculative, arbitrary and unsupported conclusions can be gathered from such findings."¹⁷ This is because the trial court is in a better position to decide the question of credibility of witnesses, having heard the witnesses themselves and observed their deportment and manner of testifying during the trial, unless it has overlooked certain facts of substance and value.¹⁸

Weighing the versions of the prosecution and the defense, the Regional Trial Court found that Efren and Edwin's defenses of alibi and denial did not prove the impossibility of their physical presence at the time and scene of the crime. We agree with the Regional Trial Court that the testimony of the sole eyewitness, Eva Castaño, was credible and straightforward:

[T]he Court has found the version of the prosecution to be credible[,] believable [and] in accord with ordinary human experience. The eyewitness, Eva Castaño is also a resident of Dagami, Leyte and it was reasonable to believe her claim that she personally knows the accused. Her narration of the incident was clear, categorical and consistent in their material points. x x x. Certainly, a person witnessing something as gruesome as the killing of a man by several men acting in concert with one another is something which is not easily erased in one's memory. Here in this case, the said eyewitness took the witness stand in the year 2001 or 3 years after the killing of the victim. Despite the lapse of said period of time, she was able to accurately describe what she saw. x x x. Moreover, not anyone among the accused ascribed any

¹⁵ Id. at 64-65.

¹⁶ *People v. Ramos*, 315 Phil. 435, 443 (1995).

¹⁷ *CA rollo*, p. 116.

¹⁸ *People v. Quijon*, 382 Phil. 339, 347 (2000).

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ill-will or ill-motive on her part as reason for her testimony.¹⁹

Where the prosecution eyewitness was familiar with the accused, where the *locus criminis* afforded good visibility and where no improper motive can be attributed to the witness for testifying against the accused, then the witness's version of the story prevails over alibi and denial and deserves much weight.²⁰

The elements of murder and of conspiracy were proven.

Both the Regional Trial Court and the Court of Appeals correctly held that the prosecution sufficiently proved Efren and Edwin's guilt beyond reasonable doubt. The following elements were proven to sustain the conviction for murder: (1) that a person was killed; (2) that the accused killed said person; (3) that the killing was attended by the qualifying circumstances in Article 248 of the Revised Penal Code, such as treachery; and (4) that the killing is not parricide or infanticide.²¹

Manuel's killing in this case was attended with treachery - a sudden and unexpected attack by the aggressors on the unsuspecting victim, depriving the latter of any real chance to defend himself, thereby ensuring its commission without risk to the aggressors, and without the slightest provocation on the part of the victim.²²

In this case, the qualifying circumstance of treachery was correctly appreciated by the lower courts given the manner by which Efren and Edwin killed Manuel. The Regional Trial Court, being in the best position to have assessed the evidence on record and heard the testimony of Eva Castaño, held that:

The evidence very clearly established that the victim was stabbed immediately after the Jeepney he was riding – the victim then was positioned at the rear, standing on the stepboard of the vehicle – was stopped by the accused. Prosecution eyewitness Eva Castaño categorically and in simple terms described the manner in which the accused killed the victim: Efren Verona delivered the first stab blow on the victim. After Manuel Tingoy fell to the ground, Edwin Verona hacked the victim on the head and the body using his weapon; Edgar Verona also hacked the victim using his own 33 cms[.] long bolo; Efren Verona utilized his own 33 cms[.] long bolo to stab the victim at the back of his body; and Efren first stabbed the victim, and followed by Edwin. At the time he was first stabbed, Manuel Tingoy was standing on the step board of the Jeepney [and] was holding on the bars.²³

¹⁹ CA rollo, p. 20.

²⁰ *People v. Quijon*, supra note 18, at 348.

²¹ *People v. Sally*, G.R. No. 232616, 21 January 2019.

²² *People v. Punzalan, Jr.*, 700 Phil. 793, 811 (2012).

²³ CA rollo, p. 22.

The sudden attack by Efren and Edwin with stab blows and 33-cm. long *bolos* against an unsuspecting Manuel while he was riding the jeepney caught the victim by surprise. Manuel was clearly unprepared and had no means to put up a defense. Such aggression ensured the commission of the crime without risk on Efren and Edwin. Treachery was attendant not only because of the suddenness of the attack but also due to the absence of opportunity to repel the aggression.

Regarding the qualifying circumstance of abuse of superior strength, we agree with Efren and Edwin and the finding of the Court of Appeals that abuse of superior strength is deemed absorbed in treachery. Since treachery qualifies the crime of murder, the generic aggravating circumstance of abuse of superior strength is necessarily included in the former.²⁴

As for the issue of conspiracy, Efren and Edwin alleged in their Brief that “the facts of the case were wanting of any overt acts that are reflective of any conspiracy amongst the five accused.”²⁵ However, in the same Brief, Efren and Edwin cited the direct testimony of Eva Castaño which revealed that “after the victim was first stabbed at the back by accused-appellant Efren, the other accused Edwin did the hacking thrust, followed by Edgar; while the other two accused, Dioscoro and Eddie, were merely described x x x as being there carrying a weapon.”²⁶

Conspiracy exists when two or more persons come to an agreement concerning the commission of a felony and decide to commit it. The essence of conspiracy is the unity of action and purpose. Direct proof is not essential to prove conspiracy for it may be deduced from the acts of the accused before, during, and after the commission of the crime charged, from which it may be indicated that there is common purpose to commit the crime.²⁷

In this case, the hacking acts of Efren and Edwin, when taken together with the stabbing act of Efren, reveal a commonality and unity of criminal design. The defense cannot aver that Dioscoro and Eddie’s mere act of carrying a weapon is not an overt act reflective of conspiracy because clearly, such act is in line with the crime of murder. Regardless of the extent and character of Dioscoro and Eddie’s respective active participation, once conspiracy is proved, all of the conspirators are liable as co-principals. The act of one is the act of all.²⁸

²⁴ *People v. Manzano*, G.R. No. 217974, 5 March 2018.

²⁵ *CA rollo*, p. 70.

²⁶ *Id.* at 69.

²⁷ *People v. Callao*, G.R. No. 228945, 14 March 2018.

²⁸ *Id.*

Thus, considering all of the foregoing, Efren and Edwin's conviction for the crime of murder must stand.

Under Article 248 of the Revised Penal Code, the penalty for the crime of murder qualified by treachery is *reclusion perpetua* to death. However, pursuant to Republic Act No. 9346²⁹ proscribing the imposition of death penalty, and there being no aggravating circumstance that attended the commission of the crime, the penalty to be imposed on Efren and Edwin should be *reclusion perpetua*.

With respect to the award of damages, we affirm and find in accordance with prevailing jurisprudence³⁰ the amounts adjudged by the Regional Trial Court, which were affirmed by the Court of Appeals, that must be awarded to the heirs of Manuel Tingoy, to wit: (1) civil indemnity at Seventy-Five Thousand Pesos (₱75,000.00); (2) moral damages at Seventy-Five Thousand Pesos (₱75,000.00); and (3) exemplary damages at Thirty Thousand Pesos (₱30,000.00). All these monetary awards shall earn interest at the legal rate of six percent (6%) *per annum* from the date of finality of this Decision until fully paid.

WHEREFORE, the appeal is **DISMISSED**. The Decision of the Court of Appeals in CA-G.R. CEB-CR HC No. 01481, which affirmed with modification the 20 February 2012 Judgment of the Regional Trial Court of Tacloban City, Branch 6, in Criminal Case No. 99-01-42, is **AFFIRMED** with the **MODIFICATION** that all the monetary awards shall earn interest at the rate of six percent (6%) *per annum* from the date of finality of this Decision until fully paid.

SO ORDERED.




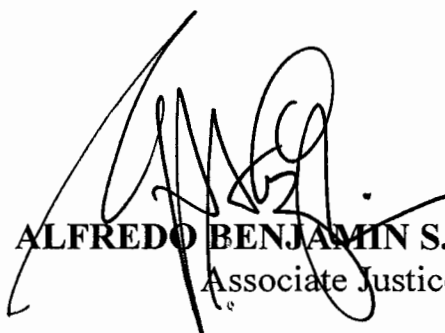
ANTONIO T. CARPIO
Associate Justice

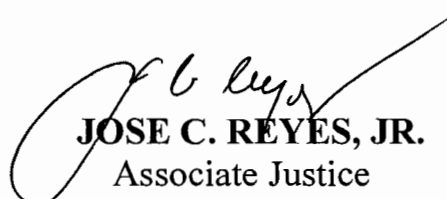
²⁹ An Act Prohibiting the Imposition of Death Penalty in the Philippines.


³⁰ *People v. Roxas*, 780 Phil. 874, 887-888 (2016).

WE CONCUR:


ESTELA M. PERLAS-BERNABE
Associate Justice



ALFREDO BENJAMIN S. CAGUIOA
Associate Justice


JOSE C. REYES, JR.
Associate Justice


AMY C. LAZARO-JAVIER
Associate Justice

ATTESTATION

I attest 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.


ANTONIO T. CARPIO
Associate Justice
Chairperson

CERTIFICATION

Pursuant to Section 13, 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.


LUCAS P. BERSAMIN
Chief Justice