



REPUBLIC OF THE PHILIPPINES  
SUPREME COURT  
Manila

SECOND DIVISION

**NOTICE**

Sirs/Mesdames:

*Please take notice that the Court, Second Division, issued a Resolution dated **05 October 2020** which reads as follows:*

**“G.R. No. 218080 (*People of the Philippines v. Juanito Taguibao y Salazar alias “Etok”*)**. - This is an appeal filed by accused-appellant Juanito Taguibao y Salazar (Juanito) of the January 28, 2014 Decision<sup>1</sup> of the Court of Appeals (CA) in CA-G.R. CR-HC No. 04368, affirming with modification the April 27, 2009 Decision<sup>2</sup> of the Regional Trial Court (RTC) of Balayan, Batangas, Branch 11 in Criminal Case No. 5289 which found Juanito guilty beyond reasonable doubt of Murder under Article 248 of the Revised Penal Code (RPC), as amended, in the killing of Anacleto Caisip y Languitan (Anacleto). In Crim. Case No. 5528, which was jointly tried with Crim. Case No. 5289, the RTC acquitted accused Major Rodolfo B. Tungpalan (Major Tungpalan), Major Hermie Llave (Major Llave), Sgt. Macario Aranda (Sgt. Aranda), A2C Klent Valderama (A2C Valderama), A2C Herbert Porteria (A2C Porteria) and Barangay Captain Victorino Bugtong (Brgy. Capt. Bugtong) who were charged as accessories to the crime of Murder for insufficiency of evidence.

In an Information<sup>3</sup> dated November 4, 2002, docketed as Crim. Case No. 5289, Juanito was charged before the RTC with Murder, allegedly committed as follows:

That on or about the 26<sup>th</sup> day of September, 2002, at about 9:00 o'clock in the evening, at Barangay Carretonan, Municipality of Calatagan, Province of Batangas, Philippines and within the jurisdiction of this Honorable Court, the above-named accused, armed with an unlicensed caliber 9mm pistol, with intent to kill, with qualifying circumstances of treachery and evident

<sup>1</sup> *Rollo*, pp. 2-18; penned by Associate Justice Zenaida T. Galapate-Laguilles and concurred in by Associate Justices Mario V. Lopez (now a member of the Court) and Franchito M. Diamante.

<sup>2</sup> *CA rollo*, pp. 53-75; penned by Acting Presiding Judge Maria Cecilia I. Austria.

<sup>3</sup> *Id.* at 31-32.

premeditation and without any justifiable cause, did then and there willfully, unlawfully and feloniously attack, assault and shoot with the said firearm one Anacleto Caisip y Languitan, suddenly and without warning, thereby inflicting upon the latter gunshot wound on his right face, which directly caused his death.

Contrary to law.<sup>4</sup>

Subsequently, a warrant of arrest was issued against Juanito but he eluded arrest and remained at large until he surrendered to the Mandaluyong City Police Station. Thereafter, Juanito was ordered detained at the Police Station of Calatagan, Batangas. When arraigned, Juanito pleaded not guilty.

While Crim. Case No. 5289 was pending, a separate Information was filed on November 18, 2003, docketed as Crim. Case No. 5528, indicting Major Tungpalan, Major Llave, Sgt. Aranda, A2C Valderama, A2C Porteria and Brgy. Capt. Bugtong, as accessories to the crime of Murder. All the accused pleaded not guilty. Thereafter, a joint trial was held. Accused Brgy. Capt. Bugtong, however, died after the arraignment.

The record shows that prior to Anacleto's killing, a cement mixer was stolen on September 24, 2002 from the Sylvia Yap Farm (farm) where Juanito worked as a caretaker. Juanito suspected that the farm equipment was stolen by Allan Caisip (Allan), Andres Ednaco (Andres) and Laureano Garcia (Laureano). In order to extract confession from the suspects, Juanito invited Major Tungpalan, Major Llave, Sgt. Aranda, A2C Valderama and A2C Porteria to the farm.

#### **Version of the Prosecution:**

The evidence for the prosecution showed that at around 5 o'clock in the afternoon of September 26, 2002, Vicente Riva (Vicente), Brgy. Capt. Bugtong, Juanito, Anacleto L. Caisip (Anacleto) and one other person were drinking liquor at the house of Ric Bugtong (Ric). Later on, Juanito invited the group to join him in entertaining Major Tungpalan, Major Llave, Sgt. Aranda, A2C Valderama, and A2C Porteria at the farm. Juanito went ahead to the farm. Meanwhile, Vedasto Garcia arrived at the house of Ric asking assistance from Brgy. Capt. Bugtong to locate his son, Laureano, who allegedly met with Juanito earlier that day. Brgy. Capt. Bugtong, Vicente and Anacleto went to the farm, arriving thereat at 7 o'clock in the evening. Juanito introduced them to Major Tungpalan and his companions. Juanito also informed them that the suspect had already owned up to the theft of the cement mixer.

While Anacleto and Major Tungpalan were conversing with each other at the table, Juanito left towards the unlighted portion of the farm. When he

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<sup>4</sup> Id. at 30.

returned, he stood beside Anacleto and suddenly shot the latter at close range, causing Anacleto's instantaneous death.

Dr. Antonio S. Vertido (Dr. Vertido) conducted the autopsy on the cadaver of Anacleto. He found that the victim suffered from a gunshot wound on the head, with point of entry located at the right cheek and the exit point located at the left portion of the nape. Based on the downward trajectory and point of entry of the bullet, Dr. Vertido opined that the assailant was probably standing on the right side of the victim who was sitting. The Autopsy Report also stated that the victim sustained contusions and hematomas on his head.<sup>5</sup>

#### **Version of the Defense:**

On the other hand, Juanito declared that on September 26, 2002, he invited Major Tungpalan, Major Llave, Sgt. Aranda, A2C Valderama and A2C Porteria to help in the investigation regarding the stolen cement mixer. Juanito told them that he suspected Allan, Andres and Laureano as the culprits. While the group was drinking and discussing the theft incident, Anacleto and Brgy. Capt. Bugtong arrived. Juanito invited them to join the group and told them the identity of the three suspects. Brgy. Capt. Bugtong promised Juanito that he would talk to the three suspects and facilitate the return of the cement mixer. Brgy. Capt. Bugtong then told Anacleto that his nephew, Allan, was one of the suspects. Upon hearing this, Anacleto got mad and angrily declared that he will not allow his nephew to be incarcerated. At that time, Juanito knew that the invectives were directed towards him because he and Anacleto were facing each other. Anacleto continued uttering spiteful remarks against Juanito while holding the handle of the gun tucked in his waist. When Juanito saw that Anacleto was about to shoot him, he fired his 9mm gun at Anacleto which proved fatal. Major Tungpalan tried to disarm Juanito but he failed. While fleeing from the crime scene, Major Tungpalan and his group advised Juanito to surrender but he did not heed their advice. Instead, he went to Manila to hide; he surrendered to the police authorities of the Mandaluyong City Police Station only after two (2) years.

Senior Police Inspector 1 Alex Baylon (SPO1 Baylon), one of the police officers who responded to the crime scene, testified that he saw a gun tucked in the waist of Anacleto. However, Police Officer Edward Plata (PO Plata), a relative of the victim, took the gun. However, it did not appear on record that PO Plata turned over the gun to the police officers who conducted the investigation since it was not part of the object evidence neither was it presented in court.

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<sup>5</sup> Id. at 63.

**Ruling of the Regional Trial Court:**

On April 27, 2009, the RTC promulgated its Decision in Crim. Case No. 5289 finding Juanito guilty beyond reasonable doubt of the crime of Murder while acquitting all the accused in Crim. Case No. 5528 for insufficiency of evidence. The RTC opined that while invoking the justifying circumstance of self-defense in shooting Anacleto, Juanito, however, failed to prove unlawful aggression on the part of the victim. It also ruled that treachery attended the commission of the crime. The dispositive portion of the Decision reads:

WHEREFORE, premises considered, judgment is hereby rendered as follows:

In Criminal Case No. 5289, accused JUANITO TAGUIBAO is hereby found GUILTY beyond a reasonable doubt of committing the crime of murder under Article 248 of the Revised Penal Code as amended by Republic Act No. 7659. Consequently, he is sentenced to suffer the penalty of *reclusion perpetua*.

He is also ordered to pay the heirs of the deceased Anacleto Caisip the following sums: ₱75,000.00 as civil indemnity; ₱1,239,999.99 for loss of earning capacity of the deceased; ₱100,000.00 as moral damages; ₱100,000.00 for attorney's fees and appearance fees. He shall also pay an interest on all the damages awarded at the legal rate of 6% from this date until fully paid.

In Criminal Case No. 5528, accused Major Rodolfo B. Tungpalan, Major Hermie Llave, Sgt. Macario Aranda, A2C Klent Valderama and A2C Herbert Porteria are hereby acquitted for insufficiency of evidence.

SO ORDERED.<sup>6</sup>

Juanito appealed his conviction before the CA. On January 28, 2014, the appellate court promulgated its Decision<sup>7</sup> decreeing thus:

**FOR THE STATED REASONS, We AFFIRM** the Decision dated April 27, 2009 of the Regional Trial Court, Branch 11 of Balayan, Batangas finding Juanito Taguibao y Salazar guilty beyond reasonable doubt of murder and sentencing him to *reclusion perpetua*, with the following **MODIFICATIONS:**

1. Juanito Taguibao shall indemnify the heirs of Anacleto Caisip of the following amount[s]: a) Seventy-Five Thousand Pesos (₱75,000.00) as civil indemnity *ex delicto*; b) Fifty Thousand Pesos (₱50,000.00) as moral damages; c) Seventy-four Thousand Pesos (₱74,000.00) as actual damages; d) Thirty Thousand Pesos (₱30,000.00) as exemplary damages and e) Fifty Thousand Pesos (₱50,000.00) as attorney's fees. These amounts shall bear a legal interest at the rate of 6% per annum from finality of judgment until fully paid.

<sup>6</sup> Id. at 75.

<sup>7</sup> *Rollo*, pp. 2-18.

2. The Amount of One Million Two Hundred and Thirty Nine Thousand Nine Hundred and Ninety-nine Pesos and 99/100 (₱1,239,999.99) as indemnity for loss of earning capacity is hereby deleted for lack of evidentiary basis.

SO ORDERED.<sup>8</sup>

Aggrieved, Juanito filed a Motion for Reconsideration<sup>9</sup> but the same was denied by the CA in its Resolution dated October 13, 2014.<sup>10</sup>

Hence, Juanito comes before us via the instant appeal.<sup>11</sup>

In his Supplemental Brief,<sup>12</sup> Juanito raises the following assignment of errors:

THE HONORABLE COURT OF APPEALS ERRED IN NOT FINDING THAT MISTAKE OF FACT ON THE PART OF ACCUSED-APPELLANT ATTENDED THE SHOOTING BY HIM OF ANACLETO CAISIP.

THE HONORABLE COURT OF APPEALS ERRED IN FINDING THAT TREACHERY DID NOT ATTEND THE FATAL SHOOTING BY ACCUSED-APPELLANT OF ANACLETO CAISIP.

THE HONORABLE COURT OF APPEALS ERRED IN AFFIRMING THE CONVICTION OF ACCUSED-APPELLANT BY THE COURT A QUO OF THE CRIME OF MURDER.<sup>13</sup>

Juanito anchors his defense on mistake of facts. He contends that he was moved by an honest mistake of fact in fatally shooting Anacleto which should absolve him from criminal liability. He honestly believed that Anacleto would harm him because Anacleto purposely went to the farm to confront him regarding the involvement of his nephew in the theft incident while armed with a cal. 45 pistol. Juanito argues that the surrounding circumstances prevailing at that time were sufficient to engender a well-founded belief that there is a real and imminent danger to his life; thus, he immediately shot Anacleto to avoid any injury to himself.

### **Our Ruling**

The appeal lacks merit.

As a general rule, ignorance or mistake as to the particular facts, honest and real will exempt the doer from felonious responsibility. In *Yapyuco v.*

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<sup>8</sup> Id. at 16-17.

<sup>9</sup> CA *rollo*, pp. 219-225.

<sup>10</sup> Id. at 232-233.

<sup>11</sup> Id. at 237.

<sup>12</sup> *Rollo*, pp. 37-47.

<sup>13</sup> Id. at 39.

*Sandiganbayan*,<sup>14</sup> We laid down the requisites for such defense to prosper, thus:

In the context of criminal law, a "mistake of fact" is a misapprehension of a fact which, if true, would have justified the act or omission which is the subject of the prosecution. Generally, a reasonable mistake of fact is a defense to a charge of crime where it negates the intent component of the crime. It may be a defense even if the offense charged requires proof of only general intent. The inquiry is into the mistaken belief of the defendant, and it does not look at all to the belief or state of mind of any other person. A proper invocation of this defense requires (a) that the mistake be honest and reasonable; (b) that it be a matter of fact; and (c) that it negate the culpability required to commit the crime or the existence of the mental state which the statute prescribes with respect to an element of the offense.<sup>15</sup> (Citations omitted)

In this case, Juanito failed to establish that the mistake was honest and reasonable. On the contrary, we find that Juanito's actions were impelled by a criminal intent. Although Anacleto was hostile towards Juanito for implicating his nephew in the theft of the cement mixer, and that he has a reputation for violence, we cannot accept Juanito's assertion that the heated argument, during which Anacleto was armed, could have placed Juanito's life in real and imminent danger sufficient to justify the shooting of Anacleto. In *Dela Cruz v. People*,<sup>16</sup> the Court ruled:

The Supreme Court has ruled that neither an imagined impending attack nor an impending or threatening attitude is sufficient to constitute unlawful aggression. It is a settled rule that to constitute aggression, the person attacked must be confronted by a real threat on his life and limb; and the peril sought to be avoided is imminent and actual, not merely imaginary.<sup>17</sup> (Citation omitted)

Likewise, even assuming that Anacleto used hurtful words during their altercation, which could be considered as some form of verbal aggression, the successive events show that the supposed aggression had already ceased. As Vicente recalled, while a heated discussion about the stolen equipment was ongoing, Juanito momentarily left the group. When he came back, he stood beside Anacleto and shot the latter at close range. Major Tungpalan testified that after the altercation ended, Anacleto sat beside him and they moved on to another topic. He asked a favor from Anacleto to convince the barangay captain of San Diego to ensure the security of the soldiers in the area. Thus, when Juanito came back, there was no more danger to ward off; hence, shooting the victim was unnecessary and unjustified; in fine, Juanito was only impelled by an evil intent to kill the victim and for which he should be held criminally liable.

Juanito also avers that the shooting incident was not attended by treachery. He contends that even assuming that he intentionally shot Anacleto

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<sup>14</sup> 689 Phil. 76 (2012).

<sup>15</sup> Id. at 115-116.

<sup>16</sup> *Dela Cruz v. People*, 747 Phil. 376 (2014).

<sup>17</sup> Id. at 391-392.

to death, he may only be held liable for Homicide, not Murder, because of the absence of the qualifying circumstance of treachery. Juanito also questions the credibility of Vicente because of the alleged conflict in his four sworn statements. He argues that not being a credible witness, Vicente's statement regarding the attendance of treachery should not have been given credence.

The Court finds that the allegation of treachery was duly proven by the prosecution.

Under Article 14, paragraph 16, of the RPC, treachery is present "when the offender commits any of the crimes against the person, employing means, methods or forms in the execution thereof which tend directly and specially to insure its execution, without risk to himself arising from the defense which offended party might make."

For treachery to be properly appreciated, the State must not only show that the victim had been unable to defend himself, but also that the accused had consciously adopted the mode of attack to facilitate the perpetration of the killing without risk to himself. In this case, there is no doubt that treachery attended the killing of Anacleto. While it is true that Anacleto was likewise armed with a gun, however, Juanito's attack was so sudden making it impossible for Anacleto to defend himself. It was accomplished to ensure the execution of the crime without risk to himself. We quote with approval the CA's summary of the trial court's pronouncement on how Juanito executed his plan in shooting Anacleto, thus:

We accede to the foregoing pronouncement of the trial court. It must be emphasized that both Vicente and Major Tungpalan were present at the *locus criminis*. Vicente, who was the sole eyewitness, consistently pointed at Juanito as aggressor. He testified that while the group was engaged in a heated discussion regarding the stolen equipment and the suspects thereto, Juanito walked away and disengaged himself from them. He came back later, stood beside Anacleto and shot the latter at close range. Also Major Tungpalan categorically stated that he heard the gunshot coming from his right side, or directly where Anacleto was seated by the table, which was contrary to Juanito's asseveration that he shot the victim from across the table. Although Major Tungpalan did not actually see Juanito shooting the victim, he testified, however, that he saw Juanito holding a gun and heard Victorino asking Juanito in a raised voice "*bakit mo ginawa yun?*" These circumstances negated Jaunito's asseveration that he shot Anacleto to prevent the latter from inflicting fatal injury upon him; instead, these clearly show that unlawful aggression was initiated by Juanito by unexpectedly and suddenly shooting Anacleto.<sup>18</sup>

Dr. Vertido supported the claim of Major Tungpalan and Brgy. Capt. Bugtong. He testified that the distance of the muzzle of the gun was about one foot from the head of the victim and that based on the trajectory of the bullet, the assailant was at the right side of the victim because the entrance was on the right mandible and the exit was on the left portion of the neck,

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<sup>18</sup> *Rollo*, p. 11.

posterior aspect. He also added that the assailant was standing at a higher elevation than the victim when the latter was shot.<sup>19</sup>

In an attempt to discredit Vicente, Juanito pointed out the alleged inconsistencies in the four (4) sworn statements executed by Vicente. In the September 27, 2002 sworn statement, Vicente stated that while everyone was seated and having a discussion, Juanito momentarily left the place and when he returned, shot Anacleto at close range without any warning. In the second sworn statement executed on September 29, 2002, Vicente declared that there was an argument between the victim and Juanito immediately before the shooting incident. There was no mention that Major Tungpalan and company helped Juanito. In the October 16, 2002 sworn statement, Vicente narrated that there was no exchange of words or argument or even a fist fight between the victim and Juanito. Lastly, in the sworn statement executed on February 28, 2003, Vicente declared that while scampering away from the scene of the shooting incident, he saw the group of Major Tungpalan assaulting Juanito.<sup>20</sup>

Juanito's argument fails to convince us. Not every inconsistency in a witness' testimony renders the witness' declaration unworthy of credence. Verily, "inconsistencies on minor details do not impair the credibility of the witnesses where there is consistency in relating the principal occurrence and positive identification of the assailant. Such inconsistencies reinforce rather than weaken credibility."<sup>21</sup> What is essential is that there were no material contradictions in Vicente's narration of the shooting incident and his positive identification of Juanito. In the case at bar, the inconsistencies in Vicente's sworn statements only pertain to minor details, that is, his declaration as to the reactions of those who were present in the crime scene and were in no way connected to the elements of murder or to his identification of the assailant. Also, Juanito did not present any evidence disputing Vicente's presence at the crime scene. An affidavit, being taken as *ex parte*, is usually incomplete and inaccurate for a variety of reasons, at times because of partial and innocent suggestions or for want of specific inquiries. Additionally, an extrajudicial statement or affidavit is generally not prepared by the affiant himself but by another who uses his/her own language in writing the affiant's statement, hence, omissions and misunderstandings by the writer are not infrequent.<sup>22</sup> In fine, the discrepancies in Vicente's sworn statements did not affect his credibility as a witness.

Thus, the CA correctly affirmed the conviction of Juanito for Murder, qualified by treachery. There being no other aggravating or mitigating circumstance, the penalty of *reclusion perpetua* was properly imposed in accordance with Article 63 of the RPC.

<sup>19</sup> TSN, February 15, 2006, pp. 24-25.

<sup>20</sup> *Rollo*, pp. 42-45.

<sup>21</sup> *People v. Pulgo*, 813 Phil.205, 215 (2017).

<sup>22</sup> *People v. Yabut*, 370 Phil. 612, 620 (1999).



As regards damages, prevailing jurisprudence dictates that in a Murder case punishable by *reclusion perpetua*, the heirs of the victim are entitled to the following: civil indemnity of ₱75,000.00; moral damages of ₱75,000.00; exemplary damages of ₱75,000.00. Hence, there is a need to increase the amounts of moral damages and exemplary damages awarded by the CA to ₱75,000.00 each. The award of ₱50,000.00 as attorney's fees is deleted for lack of basis. The award of ₱74,000.00 as actual damages is affirmed since it is duly supported by receipts.

**IN VIEW OF THE FOREGOING**, the appeal is **DISMISSED**. The January 28, 2014 Decision of the Court of Appeals in CA-G.R. CR-HC No. 04368 affirming with modification the April 27, 2009 Decision of the Regional Trial Court of Balayan, Batangas, Branch 11 in Criminal Case No. 5289, is hereby **AFFIRMED** with **FURTHER MODIFICATION**. As modified, accused-appellant Juanito Taguibao y Salazar is found **GUILTY** of Murder and sentenced to suffer the penalty of *reclusion perpetua*. He is **ORDERED** to indemnify the heirs of Anacleto L. Caisip the following amounts:

- a) ₱75,000.00 as civil indemnity;
- b) ₱75,000.00 as moral damages;
- c) ₱75,000.00 as exemplary damages; and
- d) ₱74,000.00 as actual damages.

The award of ₱50,000.00 as attorney's fees is **DELETED**.

These amounts shall bear interest at the rate of six percent (6%) per *annum* from finality of this Resolution until fully paid.

**SO ORDERED.**" (Perlas-Bernabe, *J.*; recused due to prior action in the Court of Appeals; Zalameda, *J.*, designated additional member per raffle dated September 8, 2020; Baltazar-Padilla, *J.*, on leave.)

By Authority of the Court.

  
**TERESITA AQUINO TUAZON**

Division Clerk of Court *utb*

24 NOV 2020 *11/24*

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THE DIRECTOR (reg)  
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HON. PRESIDING JUDGE (reg)  
Regional Trial Court, Branch 11  
Balayan, 4213 Batangas  
(Crim. Case No. 5289)

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With copy of CA Decision dated 28 January 2014.

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