



Republic of the Philippines
Supreme Court
Manila

THIRD DIVISION

PEOPLE OF THE G.R. No. 234780
PHILIPPINES, Plaintiff-Appellee,

Present:

- versus -

LEONEN, J.
Chairperson
HERNANDO,
INTING,
DELOS SANTOS, and
LOPEZ, J.Y., JJ.

MARIO PANIS, LARRY
CILINO FLORES, AURELIO
SANTIAGO AND JERRY
MAGDAY GALINGANA,
Accused.

Promulgated:

AURELIO SANTIAGO,
Accused-Appellant.

March 17, 2021

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DECISION

HERNANDO, J.:

On appeal is the April 21, 2017 Decision¹ of the Court of Appeals (CA) in CA-G.R. CR-H.C No. 07783, which affirmed with modifications the July 24, 2015 Judgement² of the Regional Trial Court (RTC), Branch 18 of City of Ilagan, Isabela in Criminal Case No. 5009, finding accused-appellant Aurelio Santiago (Santiago) guilty beyond reasonable doubt of the crime of Murder.

¹ Rollo, pp. 2-14; penned by Associate Justice Mariflor P. Punzalan Castillo and concurred in by Associate Justices Florito S. Macalino and Maria Elisa Sempio Dy.

² CA rollo, pp.63-81; penned by Presiding Judge Rodolfo B. Dizon.

The Antecedents:

On January 12, 2009, Mario Panis (Panis), Santiago, Larry Cilino Flores (Flores), and Jerry Magday Galingana (Galingana) were charged with the crime of Murder in an Amended Information³ which alleged:

That on or about the 18th day of July 2008, in the municipality of Benito Soliven, province of Isabela, Philippines and within the jurisdiction of this Honorable Court, the said accused, conspiring, confederating together and helping one another, with intent to kill and with evident premeditation, treachery and abuse of superior strength, did then and there, willfully, unlawfully and feloniously, assault, attack, and shoot with firearms one Brgy. Capt. Artemio Garcia, inflicting upon him, gunshot wounds on the left scapular, 4th thoracic and right infrascapular area, which directly caused his death.

That during the commission of the crime, the said accused, in pursuant of their conspiracy, not being allowed nor authorized by law, to keep, possess and carry firearm and ammunitions, did then and there, willfully, unlawfully and feloniously, have in their possession and under their control and custody the said firearms, which they used into shooting to death the said Brgy. Capt. Artemio Garcia, without first having obtained the necessary permit and/or license therefor.

CONTRARY TO LAW.⁴

Upon arraignment, Panis⁵, Santiago⁶, and Flores⁷ pleaded not guilty to the offense charged. Galingana remains at large. Panis, on the other hand, died during the pendency of the case.⁸

The prosecution presented the following witnesses: (1) Artemio Garcia, Jr. (Artemio, Jr.); (2) Jhonny Garcia (Jhonny); and (3) Police Chief Inspector Ronald Laggui (PCI Laggui).⁹ On the other hand, the witnesses for the defense were: (1) Santiago; (2) Angeline Santiago (Angeline) (3) Flores; and (4) Jay-Ar Flores (Jay-Ar).¹⁰

Evidence for the Prosecution:

Artemio, Jr, testified that on July 18, 2008 at Benito Soliven, Isabela, his father died as a result of a shooting incident. He narrated that he was having coffee at around 5:00 a.m. of July 18, 2008, when he heard gunshots coming from the house of his brother, Jhonny.¹¹ When he went out to check what

³ Records, p. 59.

⁴ Id.

⁵ Id. at 136.

⁶ Id. at 138.

⁷ Id. at 140.

⁸ *CA rollo*, p. 64.

⁹ Id.

¹⁰ Id.

¹¹ TSN, June 17, 2011, p. 9. See also *CA rollo*, p. 64.

happened, he saw his father lying down on the ground and being assisted by his brother. They hurriedly placed their father in a hammock and boarded him in a truck bound for Villa Concepcion.¹² While on their way to Villa Concepcion, Artemio, Sr. was still alive and was able to identify the persons who shot him. However, when they reached the Ester Garcia Hospital, Artemio, Sr. was declared dead on arrival.¹³

Jhonny corroborated the testimony of Artemio, Jr. He recalled that on July 18, 2008, at around 5:30 a.m., his father was shot while on his way back to his house after he had coffee with him. When Jhonny heard the gunshots,¹⁴ he instinctively looked at the direction where the gunshot reports came from and saw Santiago and Panis holding long firearms.¹⁵ Jhonny also saw his father lying down on the ground, which prompted him to immediately ask for help. Suddenly he heard two more gunshots. This time Jhonny saw Santiago and Panis running away in the company of two other persons whom he failed to identify.¹⁶

PCI Laggui, on the other hand, testified that Panis and Santiago were lawfully arrested on July 19, 2008 right after the shooting incident. He narrated that at the time he received the information regarding the shooting of Artemio, Sr., he conducted a follow-up investigation.¹⁷ When his team arrived at the hospital, Artemio, Sr. was already pronounced dead; however, Jhonny informed him that Artemio, Sr. was able to identify the suspects before he expired.

They immediately arrested Panis and Santiago after they located their whereabouts¹⁸ and subsequently subjected them to inquest proceedings, leading to the filing of a Murder charge against them.¹⁹ On the same day, Flores and Galingana were likewise invited to the police station of Benito Soliven, Isabela.²⁰

Thereafter, Santiago, Panis, Flores and Galingana were brought to the Isabela Provincial Crime Laboratory Office for the conduct of a paraffin test.²¹ Chemistry Report No. IC-009-2008²² dated July 21, 2008 yielded positive results for Galingana and Santiago and negative results for Flores and Panis. Thereafter, on January 29, 2009, a warrant of arrest²³ was issued for the apprehension of Flores and Galingana but only Flores was apprehended while

¹² Id. at 10-12.

¹³ Id. at 16-17.

¹⁴ TSN, September 3, 2012, p. 18.

¹⁵ Id. at 18-20.

¹⁶ Id. at 20-21. See also *CA rollo*, pp. 65-67.

¹⁷ TSN, September 3, 2013, p. 5.

¹⁸ Id. at 7. See also *CA rollo*, p. 67.

¹⁹ Records, pp. 13-14.

²⁰ TSN, November 17, 2014, pp. 12-14.

²¹ Records, p. 16.

²² Id. at 15.

²³ Id. at 62.

Galingana has not been caught and remains at large.

Evidence for the Defense:

Santiago proffered a different account of the incident and professed alibi and denial as his defense. He narrated that at the time of the incident, he was asleep in his house, together with his wife and children. He alleged that on July 16, 2008, Flores and Panis visited him at his farm and tried to persuade him to participate in the killing of Artemio, Sr.²⁴

However, he refused the offer. Thus, it came as a surprise when, on July 19, 2008, several police officers went to his house and brought him, together with Panis, Flores, and Galingana, to the Municipal Hall.²⁵ While at the Police Station, Santiago learned that they were suspects in the killing of Artemio, Sr.²⁶ Santiago vehemently denied that he took part in the killing of Artemio, Sr.²⁷

Santiago's daughter, Angeline, corroborated the testimony of his father that at the time of the incident they were at home.²⁸

Likewise interposing the defense of denial, Flores argued that he was never acquainted with Santiago, Panis, and Galingana. He narrated that on July 17, 2008, he was at Brgy. Rogus, Cauayan City, Isabela together with his wife and children. He only went back to Capuseran, Benito Soliven, Isabela on July 18, 2008 at past 6:00 a.m.²⁹

Upon his return, he was immediately informed by his father-in-law that Artemio, Sr. was gunned down.³⁰ At around 5:00 a.m. of July 19, 2008, police officers arrived at their house and invited him to the police station of Benito Soliven, Isabela.³¹ Flores, together with Santiago, Panis, and Galingana were brought to the crime laboratory. The results of the paraffin test yielded negative results for Flores.³²

Ruling of the Regional Trial Court:

The RTC, in its Judgment³³ dated July 24, 2015, found Santiago guilty beyond reasonable doubt of the crime of Murder but acquitted Flores based on reasonable doubt. The dispositive portion of the RTC Judgment reads:

²⁴ TSN, August 13, 2014, p. 5.

²⁵ Id. at 7-8.

²⁶ Id. at 9.

²⁷ See also *CA rollo*, pp. 68-69.

²⁸ TSN, April 28, 2014, p. 3. See also *CA rollo*, p. 68.

²⁹ TSN, November 17, 2014, pp. 6-10.

³⁰ Id. at 11-12.

³¹ Id. at 12-14.

³² See *CA rollo*, pp. 70-71.

³³ Id. at 63-81.

WHEREFORE, in view of all the foregoing discussions, accused Larry Flores is acquitted based on reasonable doubt, while accused AURELIO SANTIAGO is found GUILTY BEYOND REASONABLE DOUBT of the felony of MURDER as defined and penalized under Article 248 of the Revised Penal Code, as amended, and sentenced to suffer the indivisible penalty of *Reclusion Perpetua*.

And accused Aurelio Santiago is ORDERED to pay the heirs of the deceased victim Artemio Garcia, Sr. the amount of:

1. Twenty-Five Thousand Pesos (₱25,000.00) for temperate damages;
2. Seventy-Five Thousand Pesos (₱75,000.00) as civil indemnity;
3. Thirty Thousand Pesos (₱30,000.00) for exemplary damages;
4. Fifty Thousand pesos for moral damages (₱50,000.00) (as stated in *People v. Gunda*, G.R. No. 195525 dated February 5, 2014 citing *People v. Dela Cruz*, G.R. No. 188353, February 16, 2010, 612 SCRA 738, 747).

x x x x

x x x Let an alias warrant of arrest be issued for accused Gerry Galingana who remains at large and let this case be archived as to him and to be revived as soon thereafter his apprehension.

SO ORDERED.³⁴

The trial court gave credence to the eyewitness account of Jhonny who positively identified Santiago as one of the perpetrators in the killing of Artemio, Sr. It also held that Santiago's defense of denial and alibi cannot prevail over the clear and positive identification by Jhonny that Santiago was one of the assailants in the killing of his father, Artemio, Sr. Moreover, it ruled that treachery attended the commission of the crime as the victim was suddenly shot from behind by Santiago. Thus, the victim had no chance to defend himself or repel the assault against him.³⁵

Aggrieved, Santiago appealed his conviction before the CA.

Ruling of the Court of Appeals:

Before the appellate court, Santiago raised the following assignment of errors, to wit:

I.

THE COURT A QUO GRAVELY ERRED IN CONCLUDING THAT JHONNY GARCIA, THE LONE EYEWITNESS FOR THE PROSECUTION,

³⁴ Id.

³⁵ Id. at 75-79.

POSITIVELY IDENTIFIED THE ACCUSED-APPELLANT AS ONE OF THE ASSAILANTS OF HIS DECEASED FATHER DESPITE THE INCONSISTENCIES IN HIS TESTIMONY.

II.

THE COURT A QUO GRAVELY ERRED IN CONVICTING THE ACCUSED-APPELLANT OF THE CRIME OF MURDER DESPITE THE FAILURE OF THE PROSECUTION TO PROVE ALL ITS ELEMENTS.

III.

THE COURT A QUO GRAVELY ERRED IN DISREGARDING THE ACCUSED-APPELLANT'S DEFENSE OF DENIAL AND ALIBI.

IV.

ASSUMING THAT ACCUSED-APPELLANT INDEED SHOT THE DECEASED, THE COURT A QUO GRAVELY ERRED IN CONVICTING HIM FOR THE CRIME OF MURDER DESPITE THE ABSENCE OF TREACHERY.³⁶

In its assailed April 21, 2017 Decision,³⁷ the CA affirmed the trial court's Judgment finding Santiago guilty of the crime of Murder. The appellate court also held that the straightforward and categorical testimony of Jhonny was sufficient to support the conviction of Santiago for the offense charged.³⁸

The appellate court rejected Santiago's defense of alibi and denial, as the same cannot prevail over the positive identification of the prosecution witness.³⁹ Moreover, the attendance of treachery qualified the killing to Murder. The attack was sudden and unexpected leaving the victim with no chance to defend himself. Thus, Santiago was properly meted the penalty of *reclusion perpetua*.⁴⁰

With respect to the damages awarded, the CA imposed interest at the rate of 6% per *annum* from the date of the finality of judgment until fully paid pursuant to prevailing jurisprudence.⁴¹

Thus, the dispositive portion of the CA Decision, reads:

WHEREFORE, premises considered, the Decision dated 24 July 2015 of the Regional Trial Court of Ilagan, Isabela, Branch 18, is **AFFIRMED** with the **MODIFICATION** that interest at the rate of six percent (6%) per annum should be imposed on the award of civil indemnity and all damages from the

³⁶ Id. at 43.

³⁷ *Rollo*, pp. 2-14.

³⁸ Id. at 9-10.

³⁹ Id. at 12.

⁴⁰ Id. at 11-12.

⁴¹ Id. at 13.

date of the finality of the judgment until fully paid.

SO ORDERED.⁴²

Hence, the instant appeal.⁴³

Issue

Whether or not the CA correctly found Santiago guilty beyond reasonable doubt of the crime of Murder.

Our Ruling

The appeal is bereft of merit.

Elements of Murder:

Murder is defined and penalized under Article 248 of the RPC, as amended, *viz.*:

ART. 248. Murder – Any person who, not falling within the provisions of Article 246, shall kill another, shall be guilty of murder and shall be punished by *reclusion perpetua*, if committed with any of the following attendant circumstances:

1. **With treachery**, taking advantage of superior strength, with the aid of armed men, or employing means to weaken the defense, or of means or persons to insure or afford impunity;

x x x x (Emphasis supplied)

To be convicted of the crime of Murder, the following elements must be established, to wit: (1) a person was killed; (2) the accused killed him; (3) the killing was attended by any of the qualifying circumstances mentioned in Article 248 of the Revised Penal Code (RPC) as amended; and (4) the killing constitutes neither parricide nor infanticide.⁴⁴

In the case at bar, the abovementioned elements were duly established by the prosecution. Artemio, Sr. was killed. Santiago was positively identified as one of the assailants in the killing of Artemio, Sr. Moreover, the killing was not parricide or infanticide.

Attendance of treachery:

We agree that treachery attended the commission of the crime thus

⁴² *Id.*

⁴³ *Id.* at 15-18.

⁴⁴ *People v. Babor*, 772 Phil. 252, 259-260 (2015).

qualifying the offense to Murder.

Paragraph 16, Article 14 of the RPC provides that there is treachery 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 the offended party might make.

In *People v. Calinawan*,⁴⁵ the Court enumerated the following elements that must be established for treachery to be appreciated: (a) at the time of the attack, the victim was not in a position to defend himself; and (b) the accused consciously and deliberately adopted the particular means, methods, or forms of attack employed by him.

In this case, Jhonny witnessed the shooting incident and narrated how it happened in this wise:

Q: Did you see your father or were you able to talk to your father that early morning of July 18, 2008?

A: I talked to him, sir.

Q: And where did you talk with your father on July 18, 2008?

A: [In front] of my house, sir.

x x x x

Q: After you talked to your father, what happened if there [was] any?

A: He went to his house, sir.

Q: While your father was on his way home, was there any unusual incident that happened?

A: Yes, sir.

Q: What was the unusual incident?

A: **I heard gunshots, I saw my father, I saw that he was shot, sir.**

x x x x

Q: Did you take a look at the direction where you heard those gunshots Mr. Witness?

A: Yes, sir.

Q: And what did you see?

A: **I saw two (2) persons, sir.**

Q: And who were these two (2) persons?

A: **Aurelio Santiago and Mario Panis, sir.**

x x x x

⁴⁵ 805 Phil. 673, 683 (2017).

Q: Now, when you saw these two (2) person what were they doing?

A: One was holding a long firearm, sir.

Q: Who between the two (2) was holding a long firearm?

A: Aurelio Santiago, sir.

Q: How about the other person whom you identified as Mario Panis, was he holding anything?

A: Yes, sir.

Q: What was he holding?

A: Also a long firearm, sir.

x x x x

Q: You said that your father was shot, did you witness who shot your father?

A: Yes, sir.

Q: Who shot your father?

A: Aurelio Santiago, sir.

x x x x

Q: Now, Mr. Witness, were these two (2) persons facing your father when your father was shot?

A: My father's back was facing the accused, sir.

Q: Did you come to know what part of the body of your father was hit?

A: His back, sir.⁴⁶ (Emphasis supplied)

x x x x

Q: From the position of these four persons, how far is it from the position of your father?

x x x

A: Ten (10) meters.⁴⁷

Jhonny's straightforward testimony positively and categorically identified Santiago as having shot Artemio, Sr. suddenly and without any provocation at all, hitting the victim at the back. Undoubtedly, this showed that the attack was treacherous. The victim's death certificate showing that Artemio, Sr. suffered multiple gunshot wounds in his left scapular, 4th thoracic and right infrascapular⁴⁸ corroborated Jhonny's narration. Moreover, the post-mortem findings showed that the entry points of the gunshot wounds were all at the back of the victim.⁴⁹

As correctly pointed out by the appellate court, the fact that Santiago was

⁴⁶ TSN, September 3, 2012, p. 17-24.

⁴⁷ TSN, August 6, 2013, p. 6.

⁴⁸ Records, p. 294.

⁴⁹ Id. at 17.

positioned at a particular location and particular time while holding a rifle, showed that he consciously and deliberately adopted the means to commit the crime. Thus, Santiago's sudden attack on Artemio, Sr. constitutes treachery thereby qualifying the killing to the crime of Murder.⁵⁰

**Defenses of alibi and denial
deserve no consideration.**

Santiago's defenses of alibi and denial deserve scant consideration in view of his positive identification by Jhonny. Besides, he utterly failed to prove that it was impossible for him to be present at the crime scene at the time of its commission.

In *People v. Sibbu*,⁵¹ We held that for the defense of alibi to prosper, the accused must prove not only that he was at some other place when the crime was committed, but also that it was physically impossible for him to be at the scene of the crime or its immediate vicinity through clear and convincing evidence. Hence, as aptly pointed out by the appellate court, the fact that Santiago resided in Brgy. Capuseran did not preclude the possibility that he was at the scene of the crime when the shooting incident happened.

**Inconsistencies in minor
details.**

Moreover, Santiago's argument that the testimony of the prosecution witnesses should not be given credence as they are inconsistent and contradictory fails to persuade.

*People v. Licayan*⁵² holds that discrepancies in testimonies concerning minor details and not actually touching upon the central fact of the crime do not impair their credibility. Instead of weakening the testimonies, these inconsistencies tend to strengthen their credibility, because they discount the possibility of their being rehearsed. As correctly pointed out by the CA, Jhonny's testimony was straightforward, categorical, and sufficient to convict Santiago. The minor inconsistencies refer merely to collateral matters which do not touch upon the fact of the commission of the crime.

Moreover, as a matter of course, we uphold the trial court's assessment of the credibility of witnesses because of its direct and first hand opportunity to observe the demeanor of the witnesses. Thus, the CA is correct in affirming the decision of the trial court.

⁵⁰ CA rollo, p. 11.

⁵¹ 808 Phil. 276, 291 (2017).

⁵² 765 Phil. 156, 183 (2015).

In *Heirs of Villanueva v. Heirs of Mendoza*,⁵³ We enunciated that:

x x x The highest respect [is given] to the RTC's evaluation of the testimony of the witnesses, considering its unique position in directly observing the demeanor of the witnesses on the stand. From its vantage point, the trial court is in the best position to determine the truthfulness of witnesses. It is established that the evaluation of the credibility of witnesses and their testimonies is a matter best undertaken by the trial court because of its unique opportunity to observe the witnesses firsthand and to note their demeanor, conduct, and attitude under grueling examination. These are important in determining the truthfulness of witnesses and in unearthing the truth, especially in the face of conflicting testimonies. Indeed, the emphasis, gesture, and inflection of the voice are potent aids in ascertaining the witness's credibility, and the trial court has the best opportunity to take advantage of the same. Said aids, unfortunately, cannot be incorporated in the records. Therefore, all that is left for the appellate courts to utilize are the cold words of the witnesses contained in a transcript, with the risk that some of what the witnesses actually said may have been lost in the process of transcribing. x x x⁵⁴

Imposable penalty and award of damages.

Anent the imposable penalty, Article 248 of the RPC, as amended, specifically provides that the crime of Murder is punishable by *reclusion perpetua* to death. The qualifying circumstance of treachery having qualified the killing to the crime of Murder, and there being no other aggravating circumstance, the penalty of *reclusion perpetua* imposed upon Santiago was proper.

With respect to the award of damages, We further modify the awards of civil indemnity, moral damages, and exemplary damages to ₱75,000.00 each; and temperate damages to ₱50,000.00 pursuant to *People v. Jugueta*.⁵⁵ Finally, all the monetary awards shall earn interest of six percent (6%) per *annum* from the date of finality of the judgment until fully paid.


WHEREFORE, the appeal is **DISMISSED**. The April 21, 2017 Decision of the Court of Appeals in CA-G.R. CR-H.C. No. 07783 is **AFFIRMED with MODIFICATION**. Accused-appellant Aurelio Santiago is hereby found **GUILTY** beyond reasonable doubt of the crime of Murder and sentenced to suffer the penalty of *reclusion perpetua*. He is **ORDERED** to **PAY** the heirs of Artemio Garcia, Sr. the amounts of ₱75,000.00 as civil indemnity, ₱75,000.00 as moral damages, ₱75,000.00 as exemplary damages, and ₱50,000.00 as temperate damages. All monetary awards shall earn interest at the legal rate of six percent (6%) per *annum* from the date of the finality of this Decision until fully paid.

⁵³ 810 Phil. 122 (2017).

⁵⁴ Id. at 184-185

⁵⁵ 783 Phil. 806, 848 (2016).

SO ORDERED.



RAMON PAUL L. HERNANDO
Associate Justice

WE CONCUR:



MARVIC M. V. F. LEONEN
Associate Justice
Chairperson



HENRI JEAN PAUL B. INTING
Associate Justice



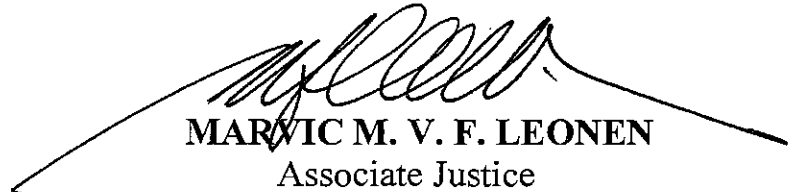
EDGARDO L. DELOS SANTOS
Associate Justice



JHOSEP Y. LOPEZ
Associate Justice

ATTESTATION

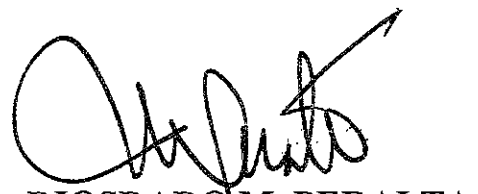
I attest that the conclusions in the above Decision had been reached in consultation before the case was assigned to the writer of the opinion of the Court's Division.



MARVIC M. V. F. LEONEN
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.



DIOSDADO M. PERALTA
Chief Justice