



REPUBLIC OF THE PHILIPPINES  
SUPREME COURT  
Manila

SECOND DIVISION

**NOTICE**

Sirs/Mesdames:

*Please take notice that the Court, Second Division, issued a Resolution dated **24 August 2020** which reads as follows:*

**“G.R. No. 234646 (*People of the Philippines v. Renato Gumahin Vicente and Roberto Laga Baldo*)** – Assailed in this appeal is the June 8, 2017 Decision<sup>1</sup> of the Court of Appeals (CA) in CA-G.R. CR-HC No. 01370-MIN which affirmed with modification the December 3, 2014 Judgment<sup>2</sup> of the Regional Trial Court (RTC) of Gingoog City, Branch 43 finding accused-appellants Renato Gumahin Vicente (Renato) and Roberto Laga Baldo (Roberto; collectively, appellants) guilty beyond reasonable doubt of the crime of Murder.

Renato and Roberto were charged with Murder in an Information<sup>3</sup> that reads:

That on October 16, 2009, at more or less 8:30 o'clock in the evening, in Sitio Palapay, Binakalan, Gingoog City, Philippines and within the jurisdiction of this Honorable Court, the above-named accused, conspiring, confederating together and mutually helping one another, with deliberate intent and with intent to kill, with treachery and evident [premeditation], armed with M16 Armalite rifle and Carbine rifle, with which the accused were conveniently provided, did then and there willfully, unlawfully and feloniously assault, attack and shoot RUBEN CAMOCAMO ISIANG, who was then unaware, defenseless and unarmed, thereby inflicting multiple gunshot wounds in the different parts of his body which caused his death.

Contrary to and in violation of Article 248 of the Revised Penal Code, as amended by Section 6 of Republic Act No. 7659.

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<sup>1</sup> *Rollo*, pp. 3-17; penned by Associate Justice Edgardo A. Camello and concurred in by Associate Justices Rafael Antonio M. Santos and Ruben Reynaldo G. Roxas.

<sup>2</sup> *Records*, pp. 137-147; penned by Presiding Judge Mirabeaus A. Undalok.

<sup>3</sup> *Id.* at 3.

When arraigned, Renato and Roberto both entered pleas of not guilty. After the termination of the pre-trial, trial on the merits ensued.

*Version of the prosecution:*

The version of the prosecution as summarized by the Office of the Solicitor General is as follows:

On October 16, 2009, Alexander Isiang, a carpenter and mason, was engaged by the Cuerdo Family to build a table for an upcoming party in the Cuerdo Farm located at Sitio Palaypay, Binakalan, Gingoog City. Alexander's house is built under a bridge some 50 meters away from a guard house along the Cuerdo Farm. Appellants Renato Gumahin Vicente (alias Toto Gamay) and Roberto Laga Baldo (alias Toto Dako) were employed as security guards of the farm. They helped Alexander in making the tables that morning. x x x

Around 7 o'clock in the evening, Alexander's cousins, Jerson and Ruben Isiang, who are brothers and likewise residents of Gingoog City, arrived at Alexander's house. They intended to buy an ax from Alexander. The cousins decided to gather frogs for dinner. To prevent any untoward incident, Alexander went to the guard house and requested permission from appellants to gather frogs in the area near the farm as well as to cook dinner there since the guards had borrowed his cooking utensils. He introduced appellants to his cousins. Alexander was mindful of the disturbances in the area prior to the incident. Appellants told them that they could stay in the area as they would be patrolling its premises. Appellant Vicente was armed with a Carbine rifle while appellant Baldo carried an Armalite. x x x

After collecting frogs, Alexander [returned] to the vicinity of his shanty and started preparing the frogs for cooking. Ruben sat on a motorcycle while Jerson was lying face up on a bench near a table. Before resting, he had already started a bonfire for purposes of cooking dinner in a kitchen outside of Alexander's shanty x x x. The fire which was fueled by 15 pieces of 2x2 carpentry wood, considerably illuminated the area. x x x

Suddenly, Jerson heard three consecutive gunshots. Shocked, he saw that the bullets hit Ruben. He saw appellants simultaneously firing more shots at them from about 4 to 5 meters away from the shanty. The volley left Ruben lying face down on the ground. Jerson slid down from the bench and managed to crawl unscathed towards the bridge, hiding behind its post. He sought cover there for a while intending to rescue his brother. However, he noticed appellant Vicente going to the left and appellant Baldo going to the right of his position, apparently looking for him. He then saw Alexander cowering behind another post of the bridge. With huge boulders of rock concealing him, Jerson made his way to Barangay Samay. When he had reached Samay, he asked a man riding a motorcycle to inform his parents and the police that his brother had been shot at Palapay. He then knocked on residents' doors to get some help. x x x

Alexander was busy removing the frogs' intestines when the initial assault of appellants commenced. The sound of three successive gunshots first startled him. This was followed shortly by a burst of automatic rifle fire. He saw Ruben fall from the motorcycle into the ground after he was hit by the hail of bullets. Appellants were just four meters away from Alexander and his cousins when they began firing their weapons. He observed that the first three rounds fired by

appellants came from appellant Vicente's carbine. Appellant Baldo then fired his rifle at Alexander. However, the projectiles missed him, hitting only the dirty kitchen. In fear for his life, Alexander crawled towards the bridge and then ran towards Barangay Samay on an abandoned road. He noticed that Jerson was no longer lying on the bench after the firing had begun.

Alexander reached Samay at around 10 PM. He [was] able to talk to a certain Mapalo, a member [of] the PNP-CVO, the volunteer civilian arm of the Philippine National Police. Mapalo told him to call the sister of Ruben, Lani Isiang. After a while, he and Jerson were reunited in Mapalo's house. Alexander was fetched by a motorcycle around 11 pm. Together with the elements of the local police, they went back to the scene of the incident in Palaypay where Ruben's cadaver lay.

Dr. Geraldine S. Casimillo, Medical Officer IV of the City Health Office of Gingoog City examined Ruben's cadaver. She testified that Ruben sustained a gunshot wound on the left lateral aspect of the chest near the armpit penetrating the left lung and traversing the right lung due to the pressure of the exit wound on the right side of the chest. He also suffered outer wounds on the extremities particularly the right arm and on the right thigh. There is an avulsed wound on the point of exit. The pressure of contusion collar means that there are powder burns at the point of entry.<sup>4</sup>

*Version of the defense:*

Meanwhile, the appellants narrated their defense in their brief as follows:

13. Appellant Roberto Baldo (Roberto) denies having committed the crime charged. He testified that on that day of October 16, 2009 at 6:00 o'clock in the evening, he was at Kadiis, Magsaysay, Misamis Oriental. He was with his live-in partner who was pregnant at that time;

14. During the shooting incident, Roberto and his live-in partner went to the parents of the latter at Purok 5, Mimbunga, Gingoog City to discuss their relationship. At [around] 10:00 in the evening, they all went to sleep;

15. Renato Vicente (Vicente), for his part, testified that he had no participation in the incident; and that in the evening of the incident, he saw three persons riding a motorcycle asking permission to search for frogs. Renato told them that the area is restricted and it is surrounded by security personnel namely: Abundio Cablay and his younger brothers Ismael Cablay, Lolong Cablay and Loloy Cablay;

16. Renato told the three persons riding a motorcycle to wait for him, because he will inform the security personnel. In the meantime, the three persons went to the bridge and started to light a fire;

17. Renato told Abundio Cablay that there are three persons searching for frogs. Abundio Cablay quipped that he will kill them. So the group of Abundio Cablay, Ismael Cablay, Loloy Cablay and Lolong Cablay walked hastily towards the three persons at the bridge;

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<sup>4</sup> CA rollo, pp. 46-48.

18. Renato then heard several gunshots from an M-17 rifle, and he heard some saying, “finish him”. After the shooting incident, Renato was told by the group of Abundio Cablay to go to Lapak, Gingoog City and meet Mr. Pajon, a guard supervisor.

19. Since people believed that he was the assailant, Renato returned to Pangsihan, Gingoog City to hide; he did not bother to tell the police anymore because Abundio Cablay threatened to kill him;<sup>5</sup>

*Ruling of the Regional Trial Court:*

On December 3, 2014, the RTC rendered its Judgment finding appellants guilty of Murder. The trial court found that the qualifying circumstance of treachery attended the killing. The RTC did not find credible Roberto’s alibi for being inherently weak and self-serving. Besides, the place of the incident and Purok 5, Mimbunga, Gingoog City are just near each other. More importantly, Robert failed to establish that it was physically impossible for him to be present at the scene at the time the crime was committed. Also, he was positively identified by Alexander Isiang (Alexander) as one of those who fired at Ruben. Similarly, the trial court disregarded Renato’s denial in light of his positive identification as one of the assailants. The RTC also considered against Renato his flight. For the trial court, this is a manifestation of his guilt.

The dispositive portion of the trial court’s Judgment reads as follows:

WHEREFORE, premises considered, the Court finds accused Renato Gumahin Vicente and Roberto Laga Baldo guilty beyond reasonable doubt for the crime of murder defined and penalized in Article 248 of the Revised Penal Code and sentences them to suffer an imprisonment of *reclusion perpetua*.

They are directed to pay, jointly and severally, the Heirs of Ruben C. Isiang the following sums: PhP 75,000 as civil indemnity, PhP 75,000 as moral damages, PhP 30,000 as exemplary damages, Php 16,000.00 as actual damages and Php 25,000.00 as temperate damages to the heirs of Ruben C. Isiang with interest at the legal rate of six percent (6%) from finality of this judgment until fully paid.

x x x x

SO ORDERED.<sup>6</sup>

*Ruling of the Court of Appeals:*

The CA sustained the factual findings of the RTC *viz.*:

A careful review of the records yields no reason to reverse the factual findings of the trial court. Witnesses for the prosecution courageously recounted in a straightforward and clear manner how appellants shot Ruben to death.

<sup>5</sup> Id. at 17-18.

<sup>6</sup> Records, pp. 146-147.

Witness Alexander positively identified appellants as the assailant[s] who fired and shot at them. As a whole, his testimony was direct and unequivocal, free from any serious inconsistency or contradiction.

Ranged against the evidence of positive identification, appellants' denial and alibi failed to hold up. x x x

x x x [Roberto] was not able to satisfactorily convince and thus prove to the court that he was at another place at the time of the alleged commission of the crime. Also, as appositely observed by the trial court, Kandiis, Magsaysay where appellant Roberto claimed he was at the time the crime were committed is not far from Binakalan, Gingoog City where Ruben was killed.

In addition, appellant Roberto's defense of alibi loses credibility in view of the positive identification by the prosecution witnesses. Visibility was clear as there was enough illumination coming from the place where Alexander was cooking. This is in addition to the fact that both Alexander and Jerson were just 4 meters away from the appellants. Witness Alexander could not have been mistaken on the appellants' identities considering that he knew them. x x x<sup>7</sup>

In appreciating the qualifying circumstance of treachery, the appellate court ratiocinated in this wise:

Alexander, Jerson, and Ruben were all unsuspecting of any untoward events that fateful night. Alexander asked and requested permission to gather frogs from Appellants Renato and Roberto earlier that day. There was no hint whatsoever that appellants would attack them. But, as Alexander cleaned the frogs that he and his cousins were able to gather, a burst of gunfire was suddenly heard. Worst, the gunshots were aimed at them. All three were not in the position to defend themselves. Because they were not in a position to defend themselves, Ruben sustained gunshot wounds on the left lateral aspect of his chest near the armpit penetrating the left lung and traversing the right lung. He also sustained wounds on the extremities particularly on his right arm and right thigh.<sup>8</sup>

The dispositive portion of the CA Decision reads as follows:

FOR THESE REASONS, the appealed Judgment dated December 3, 2014 of the Regional Trial Court, Branch 43, Gingoog City is AFFIRMED with MODIFICATION. Appellants Renato Gumahin Vicente alias "Toto Gamay" and Roberto Laga Baldo alias "[Toto] Dako" are found GUILTY beyond reasonable doubt of the crime of Murder and shall suffer a penalty of *Reclusion Perpetua*, without eligibility for parole. They are ORDERED to pay, jointly and severally, the heirs of Ruben C. Isiang P100,000.00 as civil indemnity, P100,000.00 as moral damages, P100,000.00 as exemplary damages, and P25,000.00 as temperate damages.

All monetary awards for damages shall earn interest at the legal rate of six percent (6%) per annum from the date of finality of this judgment until fully paid.

<sup>7</sup> CA rollo, p. 66.

<sup>8</sup> Rollo, p. 15.

x x x x

SO ORDERED.<sup>9</sup>

Hence, this appeal.

### Our Ruling

This Court entertains no doubt that appellants Renato and Roberto shot to death Ruben C. Isiang. Both the trial court and the appellate court properly accorded credence and weight to the testimony of Alexander Isiang who positively identified the appellants as the ones who killed Ruben. We reviewed the records of the case and we find no reason to reverse or modify said findings. We also find that the courts below properly appreciated treachery as a qualifying circumstance. Indeed, Alexander, Jerson, and Ruben were lulled into a false sense of security that no harm would befall their persons, considering that appellants had earlier granted their request to gather frogs in the vicinity of the Cuerdo farm. They had no inkling that appellants would suddenly fire at them. At the time they were sprayed with bullets, Alexander was cooking, Jerson was lying on the bench, while Ruben was sitting on the motorcycle.

Clearly, they had no inkling of the impending harm; they were not armed and were not in a position to defend themselves.

Article 248 of the Revised Penal Code defines Murder, to wit:

**Article 249.** 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*, to death if committed with any of the following attendant circumstances:

1. With treachery x x x

With the presence of the qualifying circumstance of treachery, appellants are guilty of the crime of Murder punishable by *reclusion perpetua*. According to *People v. Jugueta*,<sup>10</sup> the monetary awards for murder where the penalty imposed is *reclusion perpetua* are as follows: ₱75,000.00 as civil indemnity; ₱75,000.00 as moral damages; ₱75,000 as exemplary damages. In addition, temperate damages in the amount of ₱50,000.00 is awarded in lieu of actual damages.

**ACCORDINGLY**, the appeal is **DISMISSED**. The assailed June 8, 2017 Decision of the Court of Appeals in CA-G.R. CR-HC No. 01370-MIN is hereby **AFFIRMED** with **MODIFICATION** that Renato Gumahin Vicente and Roberto Laga Baldo are **ORDERED** to jointly and severally PAY the heirs of Ruben C. Isiang the following amounts: ₱75,000.00 as civil indemnity,

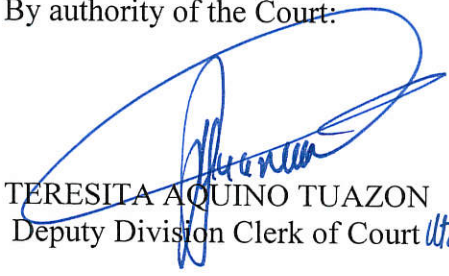
<sup>9</sup> Id. at 16-17.

<sup>10</sup> 783 Phil. 806 (2016)

₱75,000.00 as moral damages, ₱75,000.00 as exemplary damages and ₱50,000.00 as temperate damages. In addition, interest at the rate of six percent (6%) is imposed on all damages awarded from date of finality of this Resolution until fully paid.

**SO ORDERED.**” (Inting, *J.*, no part due to prior action in the Court of Appeals. Zalameda, *J.*, designated additional member per Raffle dated July 27, 2020.)

By authority of the Court:

  
TERESITA AQUINO TUAZON  
Deputy Division Clerk of Court *Utah 8/28*

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HON. PRESIDING JUDGE (reg)  
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(Crim. Case No. 2010-4319)

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\*with copy of CA Decision dated 08 June 2017  
**Please notify the Court of any change in your address.**  
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