



Republic of the Philippines
Supreme Court
Manila

SECOND DIVISION

PEOPLE OF THE G.R. No. 233104
PHILIPPINES,

Plaintiff-Appellee,

Present:

PERLAS-BERNABE, J.,
Chairperson,
HERNANDO,
CARANDANG,^{*}
DELOS SANTOS. and
BALTAZAR-PADILLA, JJ.

EDDIE MANANSALA *y*
ALFARO,

Accused-Appellant.

Promulgated:
02 SEP 2020

X ----- X

DECISION

HERNANDO, J.:

Before Us is an appeal¹ filed by herein accused-appellant Eddie Manansala *y* Alfaro (Manansala) assailing the January 5, 2017 Decision² of the Court of Appeals (CA) in CA-G.R. CR HC No. 07893 which found him guilty beyond reasonable doubt of the crime of Murder.

The Information³ by which Manansala was charged, alleged:

That on or about November 2, 2013, in the City of Manila, Philippines, the said accused, did then and there willfully, unlawfully and feloniously, with intent to kill and with treachery and evident premeditation, attack, assault and use personal violence upon one ARMANDO RAMOS *y* SANTOS, by then

* Designated as additional member per raffle dated August 19, 2020 vice J. Inting who recused from the case due to prior action in the Court of Appeals.

¹ CA *rollo*, pp. 126-128.

² *Rollo*, pp. 2-20; penned by Associate Justice Marlene Gonzales-Sison and concurred by Associate Justices Ramon A. Cruz and Henri Jean Paul B. Inting (now a Member of this Court).

³Records, p. 1.

and there shooting him with a handgun hitting the left portion of his upper body (back), thereby inflicting upon him mortal gunshot wound which was the direct and immediate cause of his death thereafter.

Contrary to law.

During arraignment, Manansala pleaded “not guilty” to the crime charged.⁴ Thereafter, pre-trial and trial ensued. The prosecution presented the eyewitness accounts of Edward Reyes (Edward)⁵ and Renato R. Mananquil (Mananquil).⁶ It likewise presented the testimonies of Corazon Ramos (Corazon),⁷ the victim’s wife; Asas Ramos (Asas),⁸ the victim’s son; Barangay Kagawad Jume Piojo (Piojo);⁹ Police Officer 1 Leopoldo N. Tuazon (PO1 Tuazon);¹⁰ Dr. Romeo T. Salen (Dr. Salen),¹¹ medico-legal expert; and Senior Police Officer 1 Jonathan L. Moreno (SPO1 Moreno),¹² the investigating officer.

The defense, on the other hand, presented the testimony of Manansala¹³ and his daughter, Kiera Noreen Manansala (Kiera).¹⁴

Version of the Prosecution:

On November 2, 2013, at around 8 o’clock in the evening, brothers Edward and Elmer Reyes were in front of their rented apartment owned by the victim Armando Ramos (Ramos) at No. 2637 Severino Reyes Street, Tondo, Manila, where the latter also resides. The Reyes brothers were watching Mananquil play his guitar beside the door of their rented apartment when suddenly they heard a gunshot inside the house. Edward then saw Manansala facing towards the direction of the stairs and holding a gun aimed upwards.¹⁵ Thereafter, Manansala hurriedly left towards Lico Street while still holding a gun. Shouts and commotion soon followed upstairs. Edward also saw Ramos fall from the stairs with blood oozing from his left chest.¹⁶

Corazon, for her part, testified that she was taking a bath at the second floor of their house when Manasala came and shot her husband. When she heard the gunshot, she immediately ran and saw her husband lying at the bottom of the stairs covered with blood. Asas, the victim’s son who was also inside the house, likewise heard the gunshot and his father’s shout. He quickly ran towards the door and saw his father falling down the stairs.¹⁷

⁴ Id. at 26-27.

⁵ TSN, February 26, 2014, pp. 2-24.

⁶ TSN, March 31, 2014, pp. 2-14.

⁷ Id. at 14-28.

⁸ TSN, April 30, 2014, pp. 2-11; TSN, May 28, 2014, pp. 2-8.

⁹ TSN, April 30, 2014, pp. 11-24.

¹⁰ Also referred to as “Leopoldo Tuason” in the records; TSN, July 21, 2014, pp. 11-21.

¹¹ TSN, July 21, 2014, pp. 5-11.

¹² Id. at 2-5.

¹³ TSN, March 30, 2015, pp. 2-25.

¹⁴ TSN, June 1, 2015, pp. 2-22.

¹⁵ CA *rollo*, p. 84.

¹⁶ Id. at 86-87.

¹⁷ Id. at 44-45.

Several onlookers rushed Ramos to the Chinese General Hospital. Corazon immediately followed but upon her arrival, she was told that her husband had already expired.¹⁸

A concerned citizen reported the shooting incident to the police authorities. PO1 Marinito Daya and PO1 Tuazon went to verify the report. Upon confirmation, Police Superintendent Roderick Mariano formed a team headed by Police Senior Inspector (PSI) Alvin Balagat (PSI Balagat) to conduct an extensive follow-up and hot pursuit operation for the apprehension of Manansala.¹⁹

Meanwhile, upon Corazon's request, Ramos's cadaver was examined by Dr. Salen. The medical findings indicated that the entry point of the gunshot wound was at the victim's back, particularly at the lumbar region, while the exit point was at the front portion of the body. The trajectory of the bullet from the entrance to the exit was upward and the distance between the muzzle of the gun and the victim's body was about two feet or more.²⁰ The gunshot wound fatally lacerated the lungs and the heart which caused the victim's death.²¹

On November 6, 2013, the team of PSI Balagat received an information that Manansala was hiding in San Jose Del Monte, Bulacan. They immediately coordinated with Chief PSupt. Joel Estaris (CPSupt. Estaris). The next day, PSI Balagat and his team went to San Jose Del Monte after receiving information from CPSupt. Estaris that Manansala is already in their custody. PSI Balagat and his team verified the identity of Manansala and thereafter brought him to Jose Abad Santos Police Station (PS-7), Manila Police District (MPD) for verification. Manansala was then turned over to MPD's Crime Against Person Section.²²

During trial, the closed-circuit television (CCTV) footages of the crime scene were presented in court where a man appearing to be Manansala was seen entering the house while armed with a gun and proceeding upstairs. The man then aimed his gun, shot the victim and immediately thereafter left the house.²³

Asas testified that he was the one who transferred the video footages from the barangay-owned CCTV that was located outside their house to the compact disc that was submitted in court as evidence. When the footage was played in court and the enlarged screenshot was presented, he identified said person as Manansala and the perpetrator of the crime.

The prosecution also presented the testimony of Barangay Kagawad Piojo who confirmed the location of the CCTV. He also impressed upon the trial court that prior to the killing incident, there were several complaints filed against Manasala concerning the installation of illegal electric

¹⁸ Id. at 84.

¹⁹ Id. at 46.

²⁰ Id. at 84-85.

²¹ Id. at 46.

²² Id.

²³ Id. at 45.

connections/jumpers. These complaints became the subject of the altercation between Manasala and Ramos one day before the latter was killed.²⁴

Version of the Defense:

Manansala, on the other hand, averred that on November 2, 2013, at around 7 o'clock in the evening, he was on his way to Bulacan to visit his friend, Allan Bautista (Bautista). While on his way, he passed by the house of Ramos then took the bus bound for Bulacan and arrived thereat past 8 o'clock in the evening.

On November 3, 2013, he was surprised upon being informed by his daughter, Kiera, that he was the suspect in the killing of Ramos and that the killing was all over the local news. He denied killing Ramos and planned to surrender to a certain "Col. Pascual", Kiera's godparent. However, on November 5, 2013, he was suddenly arrested in Bautista's home by the police forces of San Jose Del Monte, Bulacan.

Manansala claimed that he had known Ramos since he was 13 years old and that he was the one doing the repairs for his electricity and water supply. However, Ramos had ill-feelings towards him because of the jumpers he installed which Manansala claimed even benefitted Ramos and his tenants. He denied the allegations against him, as well as of owning a gun.²⁵ Kiera corroborated his story.

Ruling of the RTC:

In its October 20, 2015 Decision,²⁶ the RTC adjudged Manansala guilty as charged. The dispositive portion of the judgment reads:

WHEREFORE, in the light of the foregoing, the prosecution having proven the guilt of the accused beyond reasonable doubt of the crime of Murder, the accused EDDIE MANANSALA y ALFARO, alias "Eddie Pusa", alias "Bulag" is hereby sentenced to RECLUSION PERPETUA.

As to the civil liability, the accused is hereby ordered to pay the heirs of the deceased Armando Ramos, the following:

1. ₱107, 286.17 as actual damages[;]
2. ₱75,000.00 as civil indemnity[; and]
3. ₱50,000.00 as moral damages[.]

SO ORDERED.²⁷

The RTC relied heavily on the accounts of the eyewitnesses pointing to Manansala as the author of the crime, especially since their accounts were corroborated by the CCTV footages.

²⁴ Id. at 46.

²⁵ Id. at 47-48.

²⁶ Id. at 43-52; penned by Presiding Judge Marlina M. Manuel.

²⁷ Id. at 52.

The RTC found that treachery attended the commission of the crime because the shooting was sudden and unexpected, leaving the victim no chance to defend himself. As revealed by the medical findings, the entrance of the fatal gunshot wound was at the back of the victim's body.²⁸ The trial court also found the qualifying circumstance of evident premeditation to be present. The RTC noted that there was a prior public confrontation and altercation between the victim and Manansala on the alleged installation of electric jumpers. The trial court surmised that Manansala must have harbored resentment against the victim and resolved to kill him as a form of retaliation.²⁹

All in all, the trial court held that the prosecution satisfactorily established the guilt of Manansala beyond reasonable doubt and successfully proved all the elements of Murder.

Ruling of the CA:

Upon review, the CA sustained the finding of the RTC that the prosecution was able to establish all the elements of the crime of Murder and has proved the guilt of Manansala beyond reasonable doubt.

The CA gave credence to the circumstantial evidence presented by the prosecution which reasonably and positively pointed to Manansala as the person who shot the victim as the same was corroborated by the CCTV footages played and viewed in open court.³⁰

The CA held that the RTC correctly admitted the CCTV footages as evidence as well as the competency of Asas in attesting to the accuracy of the footages. The appellate court rejected the argument of Manansala that Asas was not qualified to authenticate the footages as he was not the one who made the recording and that the CCTV was owned by the barangay. The CA held that the Rules on Electronic Evidence provides that the one who made the recording can authenticate the video, as well as any other person competent to testify on the accuracy of the video.³¹

Finally, the CA held that considering the qualifying circumstances of treachery and evident premeditation, the proper imposable penalty is death. However, due to its proscription, the CA imposed instead the penalty of *reclusion perpetua* without eligibility for parole. The CA also modified the monetary awards by increasing the amounts of civil indemnity and moral damages to ₱100,000.00 each and awarding exemplary damages for the same amount.³²

²⁸ Id. at 50.

²⁹ Id. at 48-49.

³⁰ *Rollo*, pp. 11-13.

³¹ Id.

³² Id. at 18-19.

Thus, the dispositive portion of the January 5, 2017 Decision³³ of the CA states:

WHEREFORE, the assailed Decision dated October 20, 2015 of the Regional Trial Court, Branch 25, Manila finding accused-appellant EDDIE MANANSALA y ALFARO @ “Eddie Pusa”, “Bulag” guilty beyond reasonable doubt of the crime of murder is **AFFIRMED** without eligibility for parole.

The civil liabilities of accused-appellant are hereby **MODIFIED**, and he is ordered to pay the heirs of deceased Armando Ramos the following:

1. Php 100,000.00 by way of civil indemnity *ex delicto*;
2. Php 100,000.00 by way of moral damages;
3. Php 100,000.00 by way of exemplary damages;
4. Php 107,286.17 as actual damages; and
5. All monetary awards shall earn interest at the rate of six percent (6%) *per annum* from date of finality of this Decision until fully paid.

SO ORDERED.³⁴

Undeterred, Manansala filed his appeal before Us.³⁵

Assignment of Errors

I.

THE COURT A *QUO* GRAVELY ERRED IN FINDING THE ACCUSED-APPELLANT GUILTY OF THE CRIME CHARGED DESPITE THE INSUFFICIENCY OF THE PROSECUTION’S EVIDENCE TO PROVE THAT IT WAS THE FORMER WHO SHOT THE VICTIM.

II.

THE COURT A *QUO* GRAVELY ERRED IN FINDING THE ACCUSED-APPELLANT GUILTY OF THE CRIME CHARGED DESPITE THE PROSECUTION’S FAILURE TO SUFFICIENTLY ESTABLISH THE EXISTENCE OF TREACHERY AND EVIDENT PREMEDITATION.³⁶

Our Ruling

The instant appeal is dismissed.

Settled is the rule that an appeal in a criminal case throws the entire case wide open for review. Thus, it becomes the duty of the appellate court to correct any error that may be found in the appealed judgment, whether assigned as an error or not. In the crime of murder, the elements of murder and the aggravating circumstances qualifying the killing must be proven beyond reasonable doubt by the prosecution.³⁷

³³ Id. at 2-20.

³⁴ Id. at 19.

³⁵ Id. at 21.

³⁶ CA *rollo*, p. 33.

³⁷ See *People v. Manzano*, G.R. No. 217974, March 5, 2018.

Here, Manansala was charged with Murder qualified by evident premeditation and treachery. Article 248 of the Revised Penal Code (RPC) states:

Article 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 temporal* in its maximum period to death, if committed with any of the following attendant circumstances:

1. With treachery, x x x

x x x x

5. With evident premeditation.

Jurisprudence dictates that the elements of murder are as follows: (a) that a person was killed; (b) that the accused killed him; (c) that the killing was attended by any of the qualifying circumstances mentioned in Article 248; and (d) that the killing is not parricide or infanticide.³⁸

Thus, for the charge of Murder to prosper, the prosecution must prove beyond reasonable doubt that: (1) the offender killed the victim, (2) through treachery, or by any of the other five qualifying circumstances, duly alleged in the Information.³⁹

In the case at bar, the death of the victim Ramos is undisputed and there is no question that the killing is neither parricide nor infanticide. The remaining points of contentions are whether Manansala was the perpetrator of the crime and whether the killing was attended by treachery and evident premeditation.

This Court agrees with the CA that the pieces of circumstantial evidence sufficiently support the finding that Manansala was the one who killed the victim. It is an elementary rule in criminal law that absence of direct evidence will not bar conviction of the accused when pieces of circumstantial evidence satisfactorily prove the crime charged.

In *People v. Evangelio*,⁴⁰ this Court elaborated on how circumstantial evidence may be appreciated to support conviction, thus:

Circumstantial evidence, also known as indirect or presumptive evidence, refers to proof of collateral facts and circumstances whence the existence of the main fact may be inferred according to reason and common experience. Circumstantial evidence is sufficient to sustain conviction if **(a) there is more than one circumstance; (b) the facts from which the inferences are derived are proven; (c) the combination of all circumstances is such as to produce a conviction beyond reasonable doubt.** A judgment of conviction based on circumstantial evidence can be sustained when the circumstances proved form an unbroken chain that results in a fair and reasonable conclusion pointing to the accused, to the exclusion of all others, as the perpetrator.

[Emphasis supplied]

³⁸ *People v. Casemiro*, G.R. No. 231122, January 16, 2019.

³⁹ *People v. Lababo*, G.R. No. 234651, June 6, 2018.

⁴⁰ G.R. No. 181902, August 31, 2011, 656 SCRA 579.

Here, We are in agreement with the Office of the Solicitor General in its brief, as affirmed by the CA, that the prosecution was able to establish that Manansala was the author of the crime of murder based on the following circumstantial evidence:

1. Upon hearing the gunshot, Edward turned around and saw appellant holding a gun.
2. When Edward saw appellant, the latter was facing the stairs of the victim's house where he had his gun aimed towards the stairs.
3. After Edward saw appellant running towards Lico Street, the former went back to the place where the gunshot was heard and there he saw the victim face down on the ground bloodied and unconscious. Blood was oozing from the victim's left chest.
4. Mananquil, on the other hand, after hearing the gunshot turned to his right and saw appellant coming out from the house of the victim.
5. When appellant was no longer in the vicinity of the shooting, Mananquil went back to the victim's house. There he saw the victim lying down.
6. The CCTV and its printouts corroborating the testimonies of Edward and Mananquil.⁴¹

The inescapable conclusion based on the above circumstances laid out by the prosecution convincingly point to Manansala as the killer.

Paragraph 16, Article 14 of the RPC defines treachery as the direct employment of means, methods, or forms in the execution of the crime against persons which tend directly and specially to insure its execution, without risk to the offender arising from the defense which the offended party might make. The essence of treachery is that the attack is deliberate and without warning, done in a swift and unexpected way, affording the hapless, unarmed and unsuspecting victim no chance to resist or escape. In order for treachery to be properly appreciated, two elements must be present: (1) at the time of the attack, the victim was not in a position to defend himself; and (2) the accused consciously and deliberately adopted the particular means, methods, or forms of attack employed by him. x x x⁴²

These elements are present in this case as testified to by the prosecution witnesses and corroborated by the CCTV footages.

Manansala stealthily entered the house of the victim and shot him while he was going upstairs. The fatal wound was inflicted from behind since the entry point was located at the back lumbar region while the exit point was at the front portion of the victim's body with the trajectory traversing upwards. These clearly indicate that the victim was going upstairs with his back towards the assailant when he was shot. We are thus in agreement with the OSG that treachery attended the killing as the victim's position rendered him defenseless from the sudden attack from behind.⁴³

⁴¹ *Rollo*, p. 12.

⁴² *People v. Racal*, 817 Phil. 665, 677-678 (2017).

⁴³ CA *rollo*, pp. 91-92.

Incidentally, treachery was also proven by the CCTV footages presented in court and testified on by witness Asas. Pertinent excerpts of Asas' testimony shows the following:

ACP POSO:

During the last hearing you were asked to produce the larger image extracted in the CCTV, do you have that copy of the picture or larger image of what were marked during the presentation of your testimony?

WITNESS [ASAS]:

Yes sir.

ACP POSO

The witness handed to me these pictures. In these pictures handed to me, where is the start or the beginning of the video?

WITNESS

Ito po.

ACP POSO

May I pray that this [enlarged] picture from the CCTV memory be [marked] as our exhibit U. This is prior to the shooting your Honor. Another [enlarged] (sic) copy of the picture depicting somebody playing guitar as U-1 your Honor.

COURT

Mark it.

ACP POSO

Who is [depicted] in this picture?

WITNESS

Eddie Manasala sir.

ACP POSO

While looking at the door where the incident happened, the person identified as Eddie Manansala be [marked] as exhibit V?

COURT

Okay, how about the first one, the first picture?

ACP POSO

Also the accused your Honor. The accused your Honor. The accused as pointed to by the witness as V-1 your Honor?

COURT

Mark it.

ACP POSO

Another picture of the accused while he was already about to pass the door of the house where the incident happened as exhibit W your Honor and the picture of the accused looking at the door as W-1?

COURT

Mark it.

ACP POSO

Another picture showing the accused [entering] the door of the house and raising his arm while shooting the victim as exhibit X and the location of the accused as our exhibit X-1?

COURT

Okay.

ACP POSO

The picture showing the accused after the shooting leaving the door of the house where the incident happened as exhibit Y and the picture holding the gun right after the shooting as exhibit Y-1 your Honor?

COURT

Mark it.⁴⁴

This Court agrees with the RTC in appreciating the CCTV footages and admitting the same as evidence because they bolstered the testimonies of the witnesses and supported the finding of treachery in the case at bar. As correctly held by the CA, the Rules on Electronic Evidence provides that persons authorized to authenticate the video or CCTV recording is not limited solely to the person who made the recording but also by another competent witness who can testify to its accuracy. In the case at bar, Asas was able to establish the origin of the recording and explain how it was transferred to the compact disc and subsequently presented to the trial court.⁴⁵ Hence, this Court finds no reason to contradict such finding.

However, this Court finds that the prosecution was not able to satisfactorily establish the qualifying circumstance of evident premeditation. Per jurisprudence, “[t]he elements of evident premeditation are: (1) a previous decision by the accused to commit the crime; (2) an overt act or acts manifestly indicating that the accused clung to his determination; and (3) a lapse of time between the decision to commit the crime and its actual execution sufficient to allow accused to reflect upon the consequences of his acts.⁴⁶

The above circumstances are not present in the case at bar. The only basis for the RTC and the appellate court in finding evident premeditation as attendant to the crime was the confrontation between the victim and Manansala one day before the killing. The trial court merely surmised that Manansala must have harbored feelings of resentment towards the victim and has clung to that thought and killed the victim.

The essence of evident premeditation is that the execution of the criminal act must be preceded by cool thought and reflection upon the resolution to carry out the criminal intent, during the space of time sufficient to arrive at a calm judgment. When it is not shown as to how and when the plan to kill was hatched or what time had elapsed before it was carried out, evident premeditation cannot

⁴⁴ TSN, May 28, 2014, pp. 2-4.

⁴⁵ *Rollo*, pp. 14-15.

⁴⁶ *People v. Kalipayan*, G.R. No. 229829, January 22, 2018.

be considered. “Evident premeditation must be based on external acts and must be evident, not merely suspected, indicating deliberate planning.”⁴⁷

Nevertheless, despite the absence of evident premeditation, the killing remains to be murder in view of the qualifying circumstance of treachery.

Necessarily so, this Court modifies the penalty imposed in light with our pronouncement in *People v. Jugueta*⁴⁸ and revert the penalty to *reclusion perpetua* in accordance with Article 248 of the RPC. Considering too that no other aggravating circumstance was present in the killing, the awards of civil indemnity, moral damages, and exemplary damages should be reverted to ₱75,000.00 each.⁴⁹

Anent the award of actual damages, Article 2199 of the Civil Code provides that “one is entitled to an adequate compensation only for such pecuniary loss suffered by him as he has duly proved.” In this case, the amount of ₱7,286.17⁵⁰ and ₱100,000.00⁵¹ as hospital and funeral expenses, respectively, were duly supported by official receipts. The handwritten list of expenses amounting to ₱36,000.00 as shown in Exhibit S⁵² were not duly supported by receipts hence were properly disregarded. The heirs of the victim are therefore entitled to be paid the amount of ₱107,286.17 as actual damages.

WHEREFORE, the appeal is hereby **DISMISSED**. The January 5, 2017 Decision of the Court of Appeals in CA-G.R. CR HC No. 07893 is hereby **AFFIRMED with MODIFICATIONS** in that accused-appellant EDDIE MANANSALA *y* ALFARO @ “Eddie Pusa,” @ “Bulag” is found **GUILTY** of Murder and sentenced to suffer the penalty of *reclusion perpetua*. He is ordered to pay the heirs of deceased Armando Ramos the following:

1. ₱75,000.00 as civil indemnity;
2. ₱75,000.00 as moral damages;
3. ₱75,000.00 as exemplary damages; and
4. ₱107,286.17 as actual damages.

Interest at the rate of six percent (6%) per annum shall be imposed on the aggregate amount of the monetary awards computed from the finality of this Decision until full payment.

⁴⁷ *People v. Abadies*, 436 Phil. 978 (2002).

⁴⁸ 783 Phil. 806 (2016).

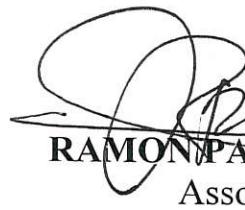
⁴⁹ *Id.*

⁵⁰ Exhibit P, records, p. 45.

⁵¹ Exhibit R, *id.* at 46.

⁵² Records, p. 47.

SO ORDERED.



RAMON PAUL L. HERNANDO
Associate Justice

WE CONCUR:



ESTELA M. PERLAS-BERNABE
Senior Associate Justice
Chairperson



ROSMARI D. CARANDANG
Associate Justice

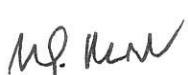


EDGARDO L. DELOS SANTOS
Associate Justice

On official leave
PRISCILLA J. BALTAZAR-PADILLA
Associate Justice

ATTESTATION

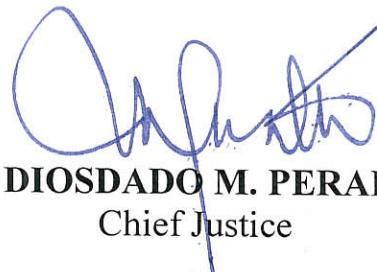
I attest that the conclusions in the above Decision had been reached in consultation before the case was assigned to the writer of the opinion of the Court's Division.



ESTELA M. PERLAS-BERNABE
Senior 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