



Republic of the Philippines
Supreme Court
Manila

SECOND DIVISION

THE PEOPLE OF THE
PHILIPPINES,

Plaintiff-appellee,

—versus—

XXX265481, PANFILO
DELGADO LADE, JR.,
REYNALDO LOGRONIO
DELA TORRE, JR.,* and
YYY265481,**

Accused;

PANFILO DELGADO LADE,
JR. and REYNALDO
LOGRONIO DELA TORRE,
JR.,

Accused-appellants.

G.R. No. 265481

Present:

LEONEN, *Chairperson*,
LAZARO-JAVIER,
M. LOPEZ,
J. LOPEZ, and
KHO, JR., *JJ*.

Promulgated:

JUL 29 2024

X-----X

DECISION

M. LOPEZ, J.:

Eyewitness identification is the bedrock of many pronouncements of guilt.¹ There can be no conviction without proof of identity of the culprit beyond reasonable doubt. The first duty of the prosecution is not to prove the crime but

* Reynaldo Logronio Dela Torre, Jr. is also referred to as "Reynaldo Dela Torre" in some parts of the *rollo*.

** In line with Amended Administrative Circular No. 83-2015, as mandated by Republic Act No. 9344, Juvenile Justice and Welfare Act of 2006, the names of the private offended parties, along with all other personal circumstances that may tend to establish their identities, are made confidential to protect their privacy and dignity.

¹ *People v. Nuñez*, 819 Phil. 406, 416 (2017) [Per J. Leonen, Third Division].

8

to establish the identity of the perpetrator.² Here, the positive identification and collective criminal liability of the accused for the crimes of murder and slight physical injuries are the subject of review in this appeal assailing the Decision³ of the Court of Appeals.

ANTECEDENTS

On October 20, 2007, Normel Lapinig (Normel) and his cousin Julius Bacolod Caramonte (Julius) were drinking at a videoke bar. By 11:00 p.m., Normel and Julius had consumed four bottles of beer when the group composed of Panfilo Delgado Lade, Jr. (Panfilo), Reynaldo Logronio Dela Torre, Jr. (Reynaldo), XXX265481, and YYY265481, arrived. XXX265481 sat in front of Julius while Panfilo, Reynaldo, and YYY265481 stood behind. Normel and Julius left the bar for their boardinghouse at around 12:00 midnight. Panfilo, Reynaldo, XXX265481, and YYY265481 followed Normel and Julius who were waiting to hail a jeepney at a lit place along the national highway. As Normel boarded the jeepney, YYY265481 and Reynaldo blocked Julius's path. Normel attempted to get off the jeepney and help Julius. However, Reynaldo jabbed Normel's left eye knocking him back inside the jeep. Normel tried to get out again, but YYY265481 punched him on the right ear. Panfilo then restrained the hands of Julius while XXX265481 thrust a knife on his right chest. Julius tried to run, but he fell by the roadside. At that moment, XXX265481 stabbed Julius on his neck.⁴

Normel asked help from the jeepney driver who drove away instead. Thus, Normel went to the boardinghouse and called for his landlord Jonathan Macavinta (Jonathan). Normel told Jonathan what happened to Julius and expressed that he could still recognize the faces of the assailants. At 10:00 a.m. the next day, Normel and Jonathan proceeded to the police station and reported the incident. Thereat, Normel identified the perpetrators based on a picture from the photo gallery presented to him. Immediately, the authorities conducted a hot pursuit operation and arrested Panfilo, Reynaldo, XXX265481, and YYY265481. Later, the police informed Normel that Julius died due to massive hemorrhage from multiple stab wounds.⁵ Accordingly, Panfilo, Reynaldo, XXX265481, and YYY265481 were charged with slight physical injuries and murder committed against Normel and Julius, respectively, before the Regional Trial Court (RTC) docketed as Criminal Case Nos. 62, 240-2007 and 62, 241-2007:

Criminal Case No. 62, 240-2007:

That on or about October 21, 2007, in the City of [REDACTED], Philippines, and within the jurisdiction of this Honorable Court, the above-mentioned accused, conspiring and mutually helping each other, attacked, assaulted and punched one Normel Lapinig, thereby inflicting upon the latter slight

² *People v. Espera*, 718 Phil. 680, 694 (2013) [Per J. Leonardo-De Castro, First Division].

³ *Rollo*, pp. 14–28. The Decision dated March 25, 2021 in CA-G.R. CR-14C No. 02205 was penned by Associate Justice Edgardo T. Lloren and concurred in by Associate Justices Loida S. Posadas-Kahulugan and Anisah B. Amanodin-Umpa of the Twenty-Second Division, Court of Appeals, Cagayan de Oro City.

⁴ *Id.* at 16, 39–40.

⁵ *Id.* at 17, 41–42.

physical injuries, which required the necessary medical attendance for a period of two (2) days and incapacitated the said offended party from performing [his] customary labor for the same period of time, to his damage and prejudice.

Criminal Case No. 62, 241-2007:

That on or about October 21, 2007, in the City of [REDACTED], Philippines, and within the jurisdiction of this Honorable Court, the above-mentioned accused, armed with a bladed weapon, conspiring and mutually helping each other, with intent to kill and **taking advantage of superior strength**, wilfully, unlawfully and feloniously attacked, assaulted and stabbed to death with the said weapon one Julius Bacolod Caramonte, hitting and inflicting upon the latter fatal wounds which caused his instantaneous death, thereby causing damage and prejudice to the heirs of said Julius Bacolod Caramonte.⁶ (Emphasis supplied)

At the arraignment, XXX265481 admitted the crimes while Panfilo, Reynaldo, and YYY265481 pleaded not guilty to the charges. The RTC then issued a judgment of conviction against XXX265481. Trial then ensued. Panfilo, Reynaldo, and YYY265481 denied any participation in the commission of the crimes. Panfilo and Reynaldo claimed that on October 20, 2007, they were hired to post campaign materials for a *barangay* elections candidate from 9:00 a.m. to 7:00 p.m. YYY265481 was unable to join Panfilo and Reynaldo because he had a fever. Thereafter, Panfilo and Reynaldo went to the candidate's house for a meeting. At 10:00 p.m., they went home and stayed in their respective houses until 6:00 a.m. the following day. The relatives of Panfilo, Reynaldo, and YYY265481 corroborated these accounts.⁷

On February 6, 2019, the RTC found that Panfilo, Reynaldo, and YYY265481 conspired to commit slight physical injuries for mauling Normel and murder for killing Julius. The RTC gave credence to Normel's positive identification of Panfilo, Reynaldo, and YYY265481 as the perpetrators of the crimes,⁸ thus:

Positive identification prevails over alibi since the latter can easily be fabricated and is inherently unreliable. We have likewise consistently assigned less probative weight to a defense of alibi when it is corroborated by relatives since we have established in jurisprudence that, in order for corroboration to be credible, the same must be offered preferably by disinterested witnesses.

Defense opted to rely on their respective denials and alibis. However, they were shown to be weak and self-serving. The corroborative testimonies of the accused's relatives, likewise, failed to establish that it was physically impossible for each of the accused to be at or near [REDACTED], [REDACTED] at or about 12:30 A.M. of 21 October 2007. Their alibis are unworthy of credit.

⁶ *Id.* at 14-15.

⁷ *Id.* at 17-18, 42-48.

⁸ *Id.* at 37-57.

8

....

Clearly, the coordinated acts of CICTL YYY265481, accused Reynaldo Logronio Dela Torre, Jr., and accused Panfilo Delgado Lade, Jr., together with CICTL [REDACTED], are indicative of their common purpose to maul Normel Lapinig and murder Julius Bacolod Caramonte.

The prosecution has proven the guilt of the accused beyond reasonable doubt to the offense of slight physical injuries.

However, the Court cannot agree with the prosecution that the crime be Slight Physical Injuries under Article 266 (1) of the Revised Penal Code. The alleged injuries sustained by Normel Lapinig did not incapacitate him to continue his studies nor require medical assistance.

CICTL XXX265481, CICTL YYY265481, accused Reynaldo Logronio Dela Torre, Jr., and accused Panfilo Delgado Lade, Jr., are liable for slight physical injuries under Article 266 (2) of the Revised Penal Code,
...:

....

Likewise, CICTL XXX265481, CICTL YYY265481, accused Panfilo Delgado Lade, Jr., and accused Reynaldo Logronio Dela Torre, Jr., are liable for murder under Article 248 of the Revised Penal Code, .
...:

....

It is undisputed that on 21 October 2007, CICTL XXX265481 (who already pleaded guilty and his case was already earlier decided), CICTL YYY265481, accused Panfilo Delgado Lade, Jr., and accused Reynaldo Logronio Dela Torre, Jr. and victims Normel Lapinig and Julius Bacolod Caramonte were at the same area at a certain particular time. The Court is convinced with moral certainty that CICTL XXX265481, CICTL YYY265481, accused Panfilo Delgado Lade, Jr., and accused Reynaldo Logronio Dela Torre, Jr., did the wrongful acts against Julius Bacolod Caramonte by stabbing him to death and against Normel Lapinig by mauling him.

WHEREFORE, the court finds accused PANFILO DELGADO LADE, JR., REYNALDO LOGRONIO DELA TORRE, JR. and CICTL YYY265481 GUILTY beyond reasonable doubt of the crime of Slight Physical Injuries under Article 266, paragraph 2 of the Revised Penal Code in Criminal Case No. 62, 240-2007 and the crime of Murder under Article 248 of the Revised Penal Code in Criminal Case No. 62, 241-2007.

PANFILO DELGADO LADE, JR. AND REYNALDO LOGRONIO DELA TORRE, JR. are hereby sentenced:

in Criminal Case No. 62, 240-2007

to jointly and severally (with CICTL YYY265481) pay the following: fine of Two Hundred ([PHP] 200.00) Pesos; the amount of Five Thousand

8

([PHP] 5,000.00) Pesos as moral damages; and the costs of the proceedings.

in Criminal Case No. 62, 241-2007

to suffer the penalty of *reclusion perpetua*. They are ordered to jointly and severally (with CICL YYY265481) pay the following: the amount of Seventy-five Thousand ([PHP] 75,000.00) Pesos as civil indemnity; the amount of Seventy-five Thousand ([PHP] 75,000.00) Pesos as moral damages; the amount of Seventy-five Thousand ([PHP] 75,000.00) as exemplary damages; and the costs of the proceedings.

With respect to **CICL YYY265481**, appreciating in his favor the privileged mitigating circumstance of minority and applying the Indeterminate Sentence Law, he is hereby sentenced:

in Criminal Case No. 62, 240-2007

to jointly and severally (with PANFILO DELGADO LADE, JR. and REYNALDO LOGRONIO DELA TORRE, JR.) pay the following: fine of Two Hundred ([PHP] 200.00) Pesos; the amount of Five Thousand ([PHP] 5,000.00) Pesos as moral damages; and the costs of the proceedings.

in Criminal Case No. 62, 241-2007

to suffer the penalty of imprisonment of ten (10) years and one (1) day of *prision mayor* as minimum to seventeen (17) years, four (4) months and one (1) day of *reclusion temporal* as maximum. [He is] ordered to jointly and severally (with PANFILO DELGADO LADE, JR. and REYNALDO LOGRONIO DELA TORRE, JR.) pay the following: the amount of Seventy-five Thousand ([PHP] 75,000.00) Pesos as civil indemnity; the amount of Seventy-five Thousand ([PHP] 75,000.00) Pesos as moral damages; the amount of Seventy-five Thousand ([PHP] 75,000.00) as exemplary damages; and the costs of the proceedings.

He is already more than twenty-one (21) years old and is currently detained at [REDACTED] City Jail as accused in another case, thus his sentence can no longer be suspended.

The period of their preventive imprisonment shall be credited in the service of their penalty pursuant to Article 29 of the Revised Penal Code.

SO ORDERED.⁹ (Emphasis supplied)

Aggrieved, Panfilo, Reynaldo, and YYY265481 elevated the case to the Court of Appeals docketed as CA-G.R. CR-HC No. 02205. Meantime, YYY265481 withdrew his appeal stating that he is already satisfied with the RTC's decision. On the other hand, Panfilo and Reynaldo maintained their alibis and contended that Normel failed to positively identify them as the culprits. Panfilo and Reynaldo questioned the credibility of Normel given his intoxication at the time of the incident. Panfilo and Reynaldo also invoked case law where the

⁹ *Id.* at 51-57. The February 6, 2019 Decision in Criminal Case Nos. 62, 240-2007 and 62, 241-2007 was penned by Judge Lope L. Calio of Branch [REDACTED], Regional Trial Court, [REDACTED].

Court acquitted the accused who was pinpointed through a single photograph shown to the sole witness.

On March 25, 2021, the CA affirmed the RTC's judgment of conviction for slight physical injuries and murder with modification as to the award of damages. The CA ratiocinated that Normel had the opportunity to view Panfilo and Reynaldo as the perpetrators and that he immediately went to the police station to report the crimes. Normel was likewise free of any impermissible suggestion from the authorities to single out Panfilo and Reynaldo during the photographic identification, viz.:

On the night of the incident, the four Accused-Appellants followed Normel and Julius as they left the bar and to the area where they were waiting to hail a ride home. The four [of] them acted as one, with XXX265481 and Panfilo attacking Julius while Reynaldo and YYY265481 prevented Normel from coming to his aid. **The unity of their actions indicates conspiracy and they are thus liable for all the crimes ultimately committed.**

In their attempt to prevent Normel from helping Julius, Reynaldo and YYY265481 delivered blows that knocked him back into the vehicle. **This caused contusions on the part of Normel, thereby constituting slight physical injuries, specifically under Par. 2 of Article 266, as it was not shown that the injuries prevented the victim from engaging in his habitual work nor did he require medical assistance.**

Meanwhile, XXX265481 stabbed Julius in the right chest while he was being held by Panfilo. Julius then tried to run away from his assailants but was eventually caught and stabbed in the neck. As established in his Certificate of Death, Julius died from his wounds. **In addition to the fact that Accused-Appellants actually pursued Julius, the fact of his death creates the presumption that they acted with the intent to kill.**

The killing was also qualified with abuse of superior strength, which is established when there is "inequality of forces between the victim and the aggressor, assuming a situation of superiority of strength notoriously advantageous for the aggressor, and the latter takes advantage of it in the commission of the crime." During the stabbing, XXX265481 had a clear advantage over Julius as the latter was being restrained by Panfilo. Not only that, YYY265481 and Reynaldo made sure that Normel would not be able to come to his cousin's aid. By their actions, the Accused-Appellants clearly made sure that they had the advantage when attacking Julius. The killing is therefore qualified to Murder.

....

Meanwhile, SPO4 Ayop testified that Normel was presented with a photo gallery or three bundles of photographs at the police station, with the witness himself skimming through them before isolating the photograph of the Accused-Appellants.

....

On the night of the incident, Normel already had the opportunity to see the Accused-Appellants when they first entered the videoke bar. He was even able to recall, the time they entered the bar, their clothing and how far they were seated from where he and Julius were. When he and Julius left the bar, Normel also remembered the faces of the people who followed them, who of the four punched him in the face, and who stabbed Julius. Normel's experience, which transpired in less than a day, left him with enough certainty to accurately describe the perpetrators of the crime. This was precisely why Normel was able to tell both his landlord back at his boarding house as well as the police officer at the station that he could still recognize their faces.

In *Rodrigo*, the lone witness in question was made to identify the suspect after being invited by the police and shown a single photo, as part of an investigation that lasted for a month. In this case, the Supreme Court ultimately ruled that the photographic identification involved failed the test as it was not free from impermissible suggestion:

....

The procedure on photographic identification, therefore, is meant to rule out impermissible suggestion which, based on the facts of the case before Us, do not apply to Normel's identification of the Accused-Appellants. **Unlike Rosita in *Rodrigo*, Normel was the one who immediately went to the police station to report the incident knowing well what the perpetrators looked like. He was in no way prone to suggestion on the part of the police.**

....

In *Rodrigo*, the Supreme Court noted that the identification of the perpetrator flagged several of the danger signs mentioned above. None of these exist in the case of Normel who, as explained above, had every opportunity to see and recognize Accused-Appellants and showed no discrepancies in describing them in court. . . In addition, We also see no ill-motive on the part of Normel to simply impute his cousin's death on a random group of strangers, other than the simple fact that he knew that they were indeed the ones who committed the offense.

....

WHEREFORE, the Appeal is DISMISSED for lack of merit. The Decision of the Regional Trial Court, 11th Judicial Region, Branch [REDACTED], finding Accused-Appellants Panfilo Delgado Lade, Jr. and Reynaldo Logronio Dela Torre guilty beyond reasonable doubt of Slight Physical Injuries under Par. 2, Article 266 in Criminal Case No. 62, 240-2007 of the RPC and Murder under Article 248 of the RPC in Criminal Case No. 62, 241-2007 is hereby AFFIRMED with MODIFICATION:

For Criminal Case No. 62, 241-2007, the award of damages should be as follows: [PHP] 100,000.00 as Civil Indemnity, [PHP] 100,000.00 as Moral Damages, [PHP] 100,000.00 as Exemplary Damages, and [PHP] 50,000.00 as Temperate Damages, plus costs of the suit.

8

For Criminal Case Nos. 62, 240-2007 and 62, 241-2007: damages are subject to interest at a rate of six percent (6%) per *annum* from finality of the Decision until fully paid.

SO ORDERED.¹⁰ (Emphasis supplied)

Panfilo and Reynaldo sought reconsideration but were denied.¹¹ Hence, this recourse.¹² In their manifestations, the People of the Philippines, through the Office of the Solicitor General, and Reynaldo dispensed with the filing of supplemental briefs, and adopted their pleadings filed before the CA.¹³ Meanwhile, Panfilo submitted the required brief and impugned the credibility of Normel and the validity of the photographic identification. In any event, Panfilo averred that the prosecution failed to establish his guilt beyond reasonable doubt.¹⁴

RULING

The appeal is unmeritorious.

Criminal investigative techniques include various out-of-court methods of identification to narrow the list of suspects. The law enforcers may utilize a *show-up* or a one-on-one confrontation where the suspect alone is brought face to face with the witnesses for identification. The police officer can also conduct a *line-up* where witnesses identify the suspect from a group of persons lined up for the purpose. The persons other than the accused should be of similar appearance and background. The authorities may likewise employ a *street identification* where witnesses are brought to a particular neighborhood or place to see if they can recognize the person who committed the crime. The investigative techniques are not limited to corporeal identifications. The operatives can use *rogue's gallery* or photo board, pictures, and mug shots to identify the perpetrator.¹⁵

In determining the reliability of out-of-court identifications, the Court must look at the totality of the circumstances and consider the following factors, namely: (1) the witness's opportunity to view the criminal at the time of the crime; (2) the witness's degree of attention at that time; (3) the accuracy of any prior description given by the witness; (4) the length of time between the crime and the identification; (5) the level of certainty demonstrated by the witness at the identification; and (6) the suggestiveness of the identification procedure.¹⁶ These rules assure fairness as well as compliance with the constitutional requirements of due process with regard to out-of-court identification and prevent the

¹⁰ *Id.* at 21-27.

¹¹ *Id.* at 30-32.

¹² *Id.* at 4-8.

¹³ *Id.* at 60-61, 69-70.

¹⁴ *Id.* at 74-108.

¹⁵ See *People v. Ansano*, 891 Phil. 360 (2020) [Per J. Caguioa, First Division]. See also J. Leonen, Dissenting Opinion in *People v. Pepino*, 777 Phil. 29 (2016) [Per J. Brion, *En Banc*].

¹⁶ *People v. Teehankee, Jr.*, 319 Phil. 128 (1995) [Per J. Puno, Second Division].

contamination of the integrity of in-court identification.¹⁷ Specifically, photographic identification must be free from any impermissible suggestions that would single out a person to the attention of the witness making the identification. To prevent any undue suggestiveness in the identification process, it was held that the correct way is to: first, present a series of photographs to the witness and not solely the photograph of the suspect; and second, when showing a group of pictures to the witness, the arrangement and display of photographs should give no suggestion whatsoever which one of the pictures identifies the suspect. The burden to prove that the out-of-court identification was unduly suggestive rests on the accused.¹⁸

Applying these standards, the Court finds that Normel's out-of-court identification of Panfilo, Reynaldo, XXX265481, and YYY265481 as perpetrators satisfied the totality of circumstances test. Normel had an unobstructed view of the four accused because of their proximity with each other at the time of the mauling and stabbing incidents. The assault happened while Normel and Julius were waiting to hail a jeepney at a lit place along the national highway. Visibility is a vital factor in determining whether eyewitnesses could have identified the perpetrators of crimes. It is settled that when conditions of visibility are favorable, and when the witnesses do not appear to be biased, their assertion as to the identity of the malefactors should normally be accepted.¹⁹ Moreover, Normel had become familiar to Panfilo, Reynaldo, XXX265481, and YYY265481 before the incidents. Normel saw the four accused at the videoke bar and could recall their time of arrival, clothing, and distance when they sat near their table. Normel exhibited a high level of certainty in his statements at the initial investigation and testimony during the trial. Nothing in the records shows that the supposed intoxication of Normel disrupted his attention or prevented him from having a clear view of the assailants. Normel even explained that he could still comprehend what was happening despite consuming beer as he was accustomed to drinking alcohol. More telling is that there is only a time lapse of ten hours between the commission of the crimes and the out-of-court identification. The crime transpired at 12:00 midnight and Normel identified the perpetrators at 10:00 a.m. on the same day in a photo gallery at the police station. Ideally, a prosecution witness must identify the suspect immediately after the incident. Yet, the Court has considered acceptable an identification made two days after the commission of a crime.²⁰ In comparison, the present case involved a shorter passage of time. Hence, it can hardly be said that the length of time rendered the positive identification flawed.

There was also no evidence that the law enforcers supplied or suggested to Normel that Panfilo, Reynaldo, XXX265481, and YYY265481 were the culprits during the photographic identification. In *People v. Pineda*,²¹ the police officers presented photographs of the accused and his companions to the witness who

¹⁷ *People v. Gamer*, 383 Phil. 557 (2000) [Per J. Quisumbing, Second Division].

¹⁸ *Mercado v. People*, 615 Phil. 434, 445 (2009) [Per J. Peralta, Third Division].

¹⁹ *People v. AAA*, G.R. No. 247007, March 18, 2021 [Per C.J. Peralta, First Division].

²⁰ *People v. Teehankee, Jr.*, 319 Phil. 128 (1995) [Per J. Puno, Second Division].

²¹ 473 Phil. 517 (2004) [Per J. Carpio, *En Banc*].

identified two perpetrators. The Court ruled that the identification procedure was unacceptable and tainted with improper suggestion, thus:

Although showing mug shots of suspects is one of the established methods of identifying criminals, the procedure used in this case is unacceptable. . .

. . . .

In the present case, there was impermissible suggestion because the photographs were only of appellant and Sison, focusing attention on the two accused. The police obviously suggested the identity of the accused by showing only appellant and Sison's photographs to Ferrer and Ramos.²² (Emphasis supplied)

Similarly in *People v. Rodrigo*,²³ the operatives presented a singular photograph for the eyewitness to identify the person responsible for the crime. The witness then identified the person in the picture as among the perpetrators after the lapse of five and a half months from the commission of the crime. The Court held that suggestive identification violates the right of the accused to due process and the time element attendant to the identification made it unreliable, to wit:

The time element involved in the process of identification is shown by the sequence of events following the robbery-homicide on October 27, 2000. The earliest document on record subsequent to the crime is Rosita's *Sinumpaang Salaysay* of November 24, 2000 where Rosita significantly mentioned that she did not know the robbers and that one Chito Alicante gave her their names. The Information against Rodrigo was filed with the court on February 28, 2001 and the warrant of arrest was issued only on April 18, 2001. The records do not show when Rosita saw Rodrigo at the San Jose del Monte Police Station 48 . . . but this presumably happened only after his arrest on April 18, 2001 or 5 1/2 months after the crime. Thereafter, Rosita identified Rodrigo in court on April 10, 2002, or more than 15 months after the crime. Thus, Rosita only saw Rodrigo twice before they met in court; first, at the crime scene as she alleged; and, second, at the San Jose del Monte Police Station under circumstances that do not appear in the records.

. . . .

By her own account, Rosita only learned the names of the robbers from information given by one Chito Alicante who never appeared as a witness in the case. The photographic identification was made at the police station by showing her the lone photograph of Rodrigo who was expressly noted in the *Sinumpaang Salaysay* as a "suspect." Thus, Rosita, who did not know the robbers, initially fixed them in her mind through their names that Chito Alicante supplied, and subsequently, linked the name Lee Rodrigo to the faces she saw in the photograph the police presented as the suspect. **Note that by providing only a lone**

²² *Id.* at 540-541.

²³ 586 Phil. 515 (2008) [Per J. Brion, Second Division].

photograph, complete with a name identified as the suspect, the police did not even give Rosita the option to identify Rodrigo from among several photographed suspects; the police simply confronted her with the photograph of Rodrigo as the suspect.²⁴ (Emphasis supplied)

Contrary to the defense's theory, the authorities presented three bundles of photographs to Normel who skimmed through the gallery before separating the picture of the four accused. Verily, it is highly improbable that impermissible suggestions crept the process given the number of photographs from which Normel may pick out and identify the suspects. The time element between the crimes and the eyewitness's identification also discount any impropriety in the procedure. Notably, the identification came just 10 hours after the incidents. The hard facts show that Normel immediately went to the police station to report the incident knowing well what the perpetrators looked like. Normel was in no way prone to suggestion on the part of the law enforcers. At any rate, a defective out-of-court identification may be cured by subsequent in-court identification,²⁵ viz.:

Even assuming *arguendo* that the appellant Alfonso Rivera's out-of-court identification was tainted with irregularity, his subsequent identification in court cured any flaw that may have attended it. Without hesitation, the two prosecution witnesses, Renato Losaria and Juanito Baylon identified the appellant as one of the assailants. In *People v. Timon*, the accused were identified through a show-up. The accused assailed the process of identification because no other suspect was presented in a police line-up. We ruled that a police line-up is not essential in identification and upheld the identification of the accused through a show-up. **We also held that even assuming *arguendo* that the out-of-court identification was defective, the defect was cured by the subsequent positive identification in court for the "inadmissibility of a police line-up identification . . . should not necessarily foreclose the admissibility of an independent in-court identification."**²⁶ (Emphasis supplied)

In this case, Normel was unequivocal when he was asked during trial to identify the assailants. Experience suggests that it is precisely because of the unusual acts of violence committed right before their eyes that witnesses can remember the identities of criminals with a high degree of reliability at any given time. Normel was subjected to rigorous cross-examination but he did not falter in his positive identification of the assailants. Normel vividly recalled the crimes and was unyielding in his identification of the perpetrators and their respective participations, thus:

²⁴ *Id.* at 536-537.

²⁵ *People v. Rivera*, 458 Phil. 856 (2003) [Per J. Puno, *En Banc*].

²⁶ *Id.* at 876-877.

d

COURT:

Q: What were the three companions of the one who stabbed Julius doing at the time that he stabbed Julius?

A: **One was holding the hands of my cousin and the two were punching me.**

....

PROS. GARCIA, JR.:

And touch the shoulders of those persons who punched you.

WITNESS: The one who punched me on my left eye was Reynaldo dela Torre, Jr. and the one who punched me below my right ear was YYY265481.

PROS. GARCIA, JR.:

Q: Did you fight back?

A: I was not able to fight back.

Q: Why?

A: When I was about to step down, I was hit on my left eye, and I was able to step back. And when I was about to step down again, I was hit at the lower portion of my right ear.²⁷

....

PROS. GARCIA, JR.:

Q: Please tell us who of the four [sic] who stabbed Julius? Touch his shoulder.

COURT INTERPRETER:

The witness touched the shoulder of XXX265481.

PROS. GARCIA, JR.:

Q: Mr. Witness, where was Julius stabbed? Which part of his body?

COURT INTERPRETER:

The witness is touching his right chest.

PROS. GARCIA, JR.:

Q: When Julius was stabbed, where were you specifically?

A: I was inside the jeep. The jeep was not yet running, so I was able to see where Julius was stabbed.

Q: Why did you not help your cousin?

A: **Because I was already inside the jeep. Julius was still outside the jeep when he was blocked by the two and was stabbed.**

COURT:

Q: What were the three companions of the one who stabbed Julius doing at the time that he stabbed Julius?

A: One was holding the hands of my cousin and the two were punching me.

²⁷ CA rollo, pp. 152-153.

PROS. GARCIA, JR.:

Q: Tell us who was holding Julius while he was stabbed? Touch his shoulder.

COURT INTERPRETER:

The witness touched the shoulder of Panfilo Lade, Jr.

....

PROS. GARCIA, JR.:

Q: And what happened to your cousin Julius after he was stabbed?

A: He ran to the place where we were drinking, but he was not able to reach the place because he fell down.

Q: Where did he fall down, on the roadside, or where specifically?

A: He fell down on the roadside.

....

PROS. GARCIA, JR.:

Q: While he was already fell [sic] on the roadside, what happened?

COURT:

Q: Do you know what happened?

A: **He was stabbed on his neck.**

Q: Again?

A: **When he fell down, he was stabbed on his neck.**

....

PROS. GARCIA, JR.:

Q: Aside from hitting the neck, where else if you know?

A: I did [sic] not know anymore because the jeep was already far.

Q: You saw Julius already on the ground. How many persons did you see when Julius was stabbed again?

A: Four (4) persons.

Q: The same persons?

A: Yes, sir.²⁸ (Emphasis supplied)

Taken together, there is no ground to discredit Normel's out-of-court and in-court identification. The Court fails to see any ground that would invalidate the positive identification of Panfilo Reynaldo, XXX265481, and YYY265481. On this point, we stress that the CA and the RTC's assessment on the credibility of Normel as a witness and the veracity of his testimony are given the highest degree

²⁸ *Id.* at 157-158.

Y

of respect,²⁹ especially if there is no fact or circumstance of weight or substance that was overlooked, misunderstood, or misapplied, which could affect the result of the case.³⁰ To be sure, Normel harbored no ill motive to falsely testify against the four accused.³¹ The earnest desire to seek justice is not served should Normel abandon his conscience and prudence to blame innocent persons. Thus, Panfilo and Reynaldo's denial and alibi cannot prevail over the positive declarations of the prosecution witness. These negative defenses are self-serving and undeserving of weight in law absent clear and convincing proof.³² Panfilo and Reynaldo did not adduce evidence that they were somewhere else when the crimes were committed and that it was physically impossible for them to be present at the crime scene or its immediate vicinity at the time of the incidents.³³

Anent Panfilo and Reynaldo's criminal liability, the Court agrees with the CA and the RTC's factual and legal findings that they conspired to commit slight physical injuries and murder. There is conspiracy when two or more persons come to an agreement concerning the commission of a felony and decide to commit it.³⁴ Proof of the actual agreement to commit the crime need not be direct because conspiracy may be implied or inferred from their acts.³⁵ To be a conspirator, one need not have to participate in every detail of the execution; neither did they have to know the exact part performed by their co-conspirator in the execution of the criminal acts.³⁶ Here, the implied conspiracy between Panfilo, Reynaldo, XXX265481, and YYY265481 is evident from the mode and manner in which they perpetrated the crimes demonstrating that all of them have the same purpose and were united in their execution.³⁷

Panfilo, Reynaldo, XXX265481, and YYY265481 were shown to have acted in concert not only in going together at the crime scene but also in purposely following the victims along the national highway. Their presence at the crime scene while one of them is in possession of a deadly weapon is not a mere coincidence or a casual and unintended meeting.³⁸ Ostensibly, they were there for a common purpose. The simultaneous actions of the four accused likewise evinced that they had one objective in mind—to assault the victims. YYY265481 and Reynaldo blocked Julius as soon as Normel boarded the jeepney. Reynaldo and YYY265481 punched and knocked Normel back into the jeepney when he tried to help Julius. Panfilo restrained the hands of Julius enabling XXX265481 to thrust a knife on his right chest. XXX265481 fatally stabbed Julius on his neck after he fell on the ground. As the CA aptly observed, the four accused acted as one, with XXX265481 and Panfilo attacking Julius while Reynaldo and YYY265481 prevented Normel from coming to his aid. The four accused fled

²⁹ *People v. Matignas*, 428 Phil. 534 (2002) [Per J. Panganiban, *En Banc*].

³⁰ *People v. Orosco*, 757 Phil. 299, 310 (2015) [Per J. Villarama, Jr., Third Division], citing *People v. De Leon*, 608 Phil. 701, 721 (2009) [Per J. Peralta, Third Division].

³¹ *People v. Abierra*, 833 Phil. 276 (2018) [Per J. Reyes, Jr., Second Division].

³² *People v. Togahan*, 551 Phil. 997, 1014 (2007) [Per J. Tunga, Second Division].

³³ *People v. Espina*, 383 Phil. 656 (2000) [Per J. Quisumbing, Second Division].

³⁴ REVISED PENAL CODE, art. 8, par. 2.

³⁵ *People v. Cabrera*, 311 Phil. 33, 40-41 (1995) [Per J. Gelllosillo, First Division].

³⁶ *People v. De Jesus*, 473 Phil. 405, 429 (2001) [Per Carmona, *En Banc*].

³⁷ *People v. Licayan*, 415 Phil. 459 (2003) [Per Carmona, *En Banc*].

³⁸ *People v. Landicho*, 327 Phil. 599 (1996) [Per J. Davide, Jr., Third Division].

8

together after achieving their common purpose. They did nothing after the incidents. They did not alert the authorities about the crimes which behavior certainly does not speak of innocence. All these acts point to the conclusion that Panfilo, Reynaldo, XXX265481, and YYY265481 are co-principals who conspired to commit the crimes. The act of one is the act of all. The four accused are liable for all the crimes committed in furtherance of the conspiracy.³⁹

As intimated earlier, Panfilo and Reynaldo were charged with slight physical injuries and murder docketed as Criminal Case Nos. 62, 240-2007 and 62, 241-2007, respectively. Corollarily, the prosecution proved in Criminal Case No. 62, 240-2007 that Normel sustained contusions when YYY265481 and Reynaldo delivered blows to stop him from aiding Julius. YYY265481 and Reynaldo punched Normel twice revealing the malicious intent to inflict such injuries.⁴⁰ The contusions neither prevented Normel from engaging in his habitual work nor required medical assistance. As such, the slight physical injuries fall under Article 266, paragraph 2 of the Revised Penal Code (RPC). Given that the crime happened before the enactment of Republic Act No. 10951,⁴¹ the beneficial and original provisions of the RPC shall apply which prescribed the penalty of *arresto menor* or a fine not exceeding PHP 200.00 and censure. Considering the evil intent to inflict harm, the Court deems it proper to modify the punishment from fine to imprisonment. The prescribed penalty of *arresto menor* ranges from one day to 30 days imprisonment. As the penalty does not exceed one year, the Indeterminate Sentence Law becomes inapplicable. Absent any modifying circumstance, the imposable penalty must be within the medium period of *arresto menor* or 11 days to 20 days imprisonment. Thus, the Court imposes upon Panfilo and Reynaldo the straight penalty of 20 days imprisonment. As regards the civil liability, the Court awards Normel PHP 5,000.00 moral damages which shall earn interest at the rate of 6% per annum from finality of this decision until fully paid pursuant to prevailing case law.⁴²

In Criminal Case No. 62, 241-2007, the prosecution likewise established the crime of murder which requires the presence of the following elements, namely: (1) that a person was killed; (2) that the accused killed him or her; (3) that the killing was attended by any of the qualifying circumstances mentioned in Article 248 of the RPC; and (4) that the killing is not parricide or infanticide.⁴³ It is clear that XXX265481 stabbed Julius twice causing his death. The post-mortem examination of the body of Julius corroborated this fact. The killing was attended by the qualifying aggravating circumstance of abuse of superior strength which demands the purposeful use of excessive force out of proportion to the means of defense available to the person attacked.⁴⁴ The prosecution proved the relative disparity in strength or force between Panfilo, Reynaldo, XXX265481, and

³⁹ *People v. Medice*, 679 Phil. 338, 349 (2012) [Per J. Perez, Second Division].

⁴⁰ *Villareal v. People*, 680 Phil. 527 (2014) [Per J. Sereno, Second Division].

⁴¹ Republic Act No. 10951 (2017), An Act Adjusting the Amount or the Value of Property and Damage on Which a Penalty is Based and the Fines Imposed Under the Revised Penal Code, Amending for the Purpose Act No. 3815, Otherwise Known as "The Revised Penal Code", as Amended.

⁴² *Javarez v. People*, 881 Phil. 546 (2020) [Per J. Lazaro-Javier, First Division].

⁴³ *Ramos v. People*, 803 Phil. 775, 783 (2017) [Per J. Perlas-Bernabe, First Division].

⁴⁴ *People v. Villanueva and Sayson*, 807 Phil. 245, 252 (2017) [Per J. Reyes, Third Division].

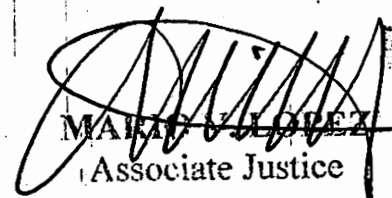
YYY265481 as assailants, and Julius as the lone unarmed victim. The collective conduct of the four accused, one of them armed with a deadly weapon, in blocking and restraining the victim before the fatal attack likewise indicate that they deliberately sought abuse of superior strength to ensure the commission of the crime.⁴⁵ Lastly, the killing is neither parricide nor infanticide. Under Article 248 of the RPC, the crime of murder is punishable with *reclusion perpetua* to death. Absent any other aggravating circumstance, the impossible penalty must be *reclusion perpetua*. Hence, the CA erred in imposing *reclusion perpetua* in lieu of death penalty upon Panfilo and Reynaldo. The Court also finds it appropriate to reduce the civil liability of the accused. The awards of PHP 75,000.00 civil indemnity, PHP 75,000.00 moral damages, PHP 75,000.00 exemplary damages, and PHP 50,000.00 temperate damages are proper in accordance with prevailing law and jurisprudence.⁴⁶ The award of damages shall all earn interest at the rate of 6% per annum from finality of this Decision until fully paid.

ACCORDINGLY, the appeal is **DENIED**. The Court of Appeals' Decision dated March 25, 2021 in CA-G.R. CR-HC No. 02205 is **AFFIRMED** with **MODIFICATIONS**.

In Criminal Case No. 62, 240-2007, accused-appellants Panfilo Delgado Lade, Jr. and Reynaldo Logronio Dela Torre, Jr. are **GUILTY** of slight physical injuries and are sentenced to suffer the straight penalty of 20 days imprisonment. The accused-appellants are solidarily liable to pay the victim Normel Lapinig of PHP 5,000.00 moral damages which shall earn interest at the rate of 6% per annum from finality of this Decision until full payment.

In Criminal Case No. 62, 241-2007, accused-appellants Panfilo Delgado Lade, Jr. and Reynaldo Logronio Dela Torre, Jr. are **GUILTY** of murder and are sentenced to suffer the penalty of *reclusion perpetua*. The accused-appellants are solidarily liable to pay the heirs of the victim Julius Bacolod Caramonte of PHP 75,000.00 civil indemnity, PHP 75,000.00 moral damages, PHP 75,000.00 exemplary damages, and PHP 50,000.00 temperate damages which shall earn interest at the rate of 6% per annum from finality of this Decision until full payment.

SO ORDERED.


MARIA V. LOPEZ
Associate Justice

⁴⁵ See *Valenzuela v. People*, 612 Phil. 907, 917 (2009) [Per J. Brion, Second Division].

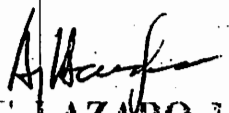
⁴⁶ *People v. Jugueta*, 783 Phil. 896 (2016) [Per J. Peralta, *En Banc*].

WE CONCUR:

I dissent. See separate opinion in
MARYVIC M.V.F. LEONEN

Senior Associate Justice

Chairperson


AMY C. LAZARO-JAVIER

Associate Justice


JOSEPH V. LOPEZ

Associate Justice


ANTONIO T. KHO, JR.

Associate Justice

ATTESTATION

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

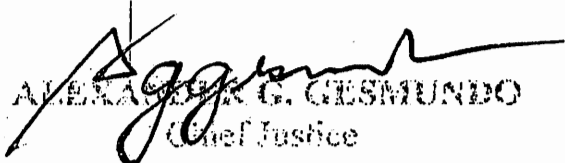

MARYVIC M.V.F. LEONEN

Senior Associate Justice

Chairperson

CERTIFICATION

Pursuant to Article VIII, Section 13 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.


ALEXANDER G. GESMUNDO

Chief Justice