



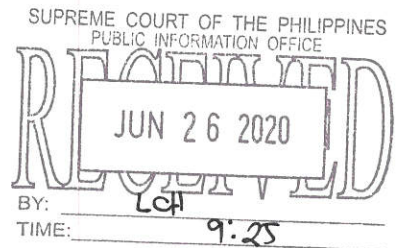
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Republic of the Philippines
Supreme Court
Manila

THIRD DIVISION

NOTICE



Sirs/Mesdames:

*Please take notice that the Court, Third Division, issued a Resolution dated **January 29, 2020**, which reads as follows:*

“G.R. No. 229831 (PEOPLE OF THE PHILIPPINES, *plaintiff-appellee* v. DOMINGO HORCA, ALIAS “ENGGLOY” and ROGELIO GAYAS, ALIAS “PATO,” *accused-appellants*). — The lower court’s determination of witness credibility will seldom be disturbed on appeal, unless significant matters were overlooked. Reversal of these findings becomes even more inappropriate when affirmed by the Court of Appeals.¹

This is an ordinary Appeal filed by accused Domingo Horca (Horca) and Rogelio Gayas (Gayas), questioning the Court of Appeals Decision² affirming the Regional Trial Court’s finding³ of their guilt beyond reasonable doubt for the murder of Rafael Cañas (Cañas).

Horca and Gayas were charged with the murder of Cañas in an Information, as follows:

That on or about the 1st day of October, 2006 in the Municipality of Jaro, Province of Leyte, Philippines, and within the jurisdiction of this Honorable Court, the above-named accused conspiring, confederating and mutually helping with one other, with deliberate intent to kill and treachery, did then and there willfully, unlawfully and feloniously attack, assault, stab and wound one RAFAEL CAÑAS y PILANDE with the use of bladed weapons which said accused provided themselves for the purpose, thereby hitting and inflicting upon the said RAFAEL CAÑAS y PILANDE multiple stab wounds on the different parts of his body which directly caused his death shortly thereafter.

ACTS CONTRARY TO LAW.⁴

¹ *People v. Diu y Kotsesa*, 708 Phil. 218 (2013) [Per J. Leonardo-De Castro, First Division].
² *Rollo*, pp. 4–12. The Decision dated August 30, 2016 was penned by Associate Justice Germano Francisco D. Legaspi and concurred in by Associate Justices Gabriel T. Ingles (Chair) and Marilyn B. Lagura-Yap of the Eighteenth Division of the Court of Appeals, Cebu City.
³ *CA rollo*, pp. 18–23. The Judgment dated January 12, 2015 was penned by Acting Presiding Judge Carlos O. Arguelles of the Regional Trial Court of Tacloban City, Branch 9.
⁴ *Id.* at 18–19.

Upon arraignment, both accused pleaded not guilty.⁵ Thus, the prosecution presented Cañas' common law wife, Maribel Intinis (Intinis), to testify on what transpired on October 1, 2006.

Intinis testified that while she was washing clothes, she noticed Horca and Gayas approach Cañas, who was then standing near her.⁶ Horca was allegedly armed with "a long bolo locally known as sundang[.]"⁷ while Gayas was reportedly armed with "a short bladed [weapon] known as pisaw[.]"⁸ Horca and Gayas then pushed Cañas to the ground and proceeded to stab him several times. Intinis screamed and pleaded for them to stop until law enforcers arrived several minutes later. Horca and Gayas fled the scene and were pursued by the law enforcers. Intinis then brought Cañas to Jaro's municipal health center for treatment, but when she noticed that "he [was] already lifeless,"⁹ she instead brought him home to clean his wounds and prepare him for his funeral.¹⁰

The prosecution also presented Cañas' death certificate and Intinis' affidavit detailing the same testimony she gave in open court. The defense did not object to either of the documents, which were, thus, admitted by the trial court.¹¹

On the other hand, the defense moved several times to have the presentation of their evidence reset to later dates, until manifesting on January 9, 2015 that they were "waiving their right to present evidence, and that they agreed that this case be decided on the basis of the evidence of the prosecution."¹² When asked by the trial court whether or not the accused understood the consequences of their waiver, both maintained their agreement to submit the case for decision.¹³

The Regional Trial Court found Horca and Gayas guilty beyond reasonable doubt of killing Cañas. Based on the prosecution's evidence, the trial court appreciated the existence of treachery in Cañas' killing as shown by the "sudden and unexpected attack on the unsuspecting victim."¹⁴ The trial court also found Horca and Gayas civilly liable for civil indemnity *ex delicto*, actual or compensatory damages, moral damages, exemplary damages, and temperate damages.

⁵ Id. at 19.

⁶ Id.

⁷ Id.

⁸ Id.

⁹ Id.

¹⁰ Id.

¹¹ Id. at 20.

¹² Id.

¹³ Id.

¹⁴ Id. at 22.

WHEREFORE, PREMISES CONSIDERED, this Court finds the accused GUILTY beyond peradventure of doubt. They are hereby sentenced each to suffer the penalty of reclusion perpetua.

Accused are further condemned to indemnify the heirs of the victim in solidum the amount of P75,000.00 as civil indemnity, P30,000.00 as temperate damages, P50,000.00 as moral damages, and P30,000.00 as exemplary damages.

SO ORDERED.¹⁵ (Emphasis in the original)

Horca and Gayas jointly appealed their conviction to the Court of Appeals, and argued in their Appellant's Brief that the prosecution failed to prove their guilt beyond reasonable doubt. They asserted that the Regional Trial Court erroneously relied on the testimony of a single witness of doubtful credibility. They insisted on the existence of reasonable doubt, because: (1) Intinis failed to explain why Cañas was standing near her at the time of the incident; (2) the assailants could have been easily deterred by Intinis' screaming which should have prompted the neighbors to help restrain the assailants; (3) Intinis could not have known that Horca and Gayas headed to barangay Licod, Jaro, Leyte after being pursued by the police; and (4) she herself could have caused Cañas' death by deciding to bring him home to prepare him for the funeral rather than proceeding to the municipal health center.¹⁶

They also insisted that they did not admit any criminal liability by waiving their right to present evidence, and that the trial court should not have appreciated treachery, because the latter was neither sufficiently alleged in the Information, nor adequately proved during trial.¹⁷

The Office of the Solicitor General countered in its Appellee's Brief that the prosecution was able to prove that: (1) Horca and Gayas were positively identified as Cañas' assailants; (2) Cañas was stabbed several times; and (3) Cañas was stabbed suddenly and unexpectedly, such that he had no chance to defend himself.¹⁸ The Office of the Solicitor General also argued that the trial court's findings on a witness' credibility are accorded great weight, if not finality, on appeal. In any event, the alleged inconsistencies in Intinis' testimony were inconsequential, as they had nothing to do with the elements of the crime charged.¹⁹

The Court of Appeals denied the appeal and affirmed the trial court's finding of guilt beyond reasonable doubt.²⁰ It upheld the Regional Trial

¹⁵ Id. at 23.

¹⁶ Id. at 46-47.

¹⁷ Id. at 48-49.

¹⁸ Id. at 79-80.

¹⁹ Id. at 81.

²⁰ *Rollo*, p. 11.

Court's findings of fact, which were arrived at "after assiduous calibration of the evidence of the prosecution[.]"²¹ Likewise, it held that determining witness credibility was often left to the trial court, as it has the opportunity to observe the witness' deportment during direct and cross examination. The Court of Appeals also appreciated Intinis' lack of "motive to lie against"²² Horca and Gayas as further proof of her credibility. Likewise, Horca and Gayas' decision to waive their opportunity to present evidence was deemed inconsistent with the behavior of an innocent man, whose "first impulse" would have been "to express his innocence at the first opportune time."²³

As to the existence of treachery, the Court of Appeals affirmed the Regional Trial Court, holding that Rule 110, sections 8 and 9 of the Revised Rules of Criminal Procedure only require that the attendant circumstances be enumerated in the information. There was no need to specify whether such circumstances were "qualifying" or "ordinary aggravating" circumstances. Thus, the "sudden attack against an unarmed victim"²⁴ was found to constitute treachery.

Accused-appellants Horca and Gayas filed a Notice of Appeal²⁵ with the Court of Appeals on September 16, 2016, manifesting their intention to appeal their conviction to this Court. Their Appeal was given due course in the Court of Appeals' Resolution dated October 11, 2016. When required to file their Supplemental Briefs,²⁶ both parties manifested that their respective briefs before the Court of Appeals sufficiently discussed their arguments.²⁷

Accused-appellants raise the sole issue of whether or not the prosecution was able to prove their guilt beyond reasonable doubt. This necessarily requires us to resolve whether or not the lower courts erred in appreciating Intinis' testimony.

We deny the Appeal.

The Court of Appeals correctly affirmed the Regional Trial Court's Decision to hold accused-appellants guilty beyond reasonable doubt of murder. Article 248 of the Revised Penal Code prescribes murder as follows:

ARTICLE 248. *Murder.* — Any person who, not falling within the provisions of Article 246 shall kill another, shall be guilty of murder and

²¹ Id. at 8.

²² Id.

²³ Id. at 9.

²⁴ Id. at 9–10.

²⁵ Id. at 13–14.

²⁶ Id. at 18–19.

²⁷ Id. at 24–27, Accused-appellants' Manifestation In Lieu of Supplemental Brief; and 20–23, Plaintiff-appellee's Manifestation in Lieu of Supplemental Brief.

shall be punished by *reclusion perpetua*, to death 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.
2. In consideration of a price, reward or promise.
3. By means of inundation, fire, poison, explosion, shipwreck, stranding of a vessel, derailment or assault upon a railroad, fall of an airship, or by means of motor vehicles, or with the use of any other means involving great waste and ruin.
4. On occasion of any of the calamities enumerated in the preceding paragraph, or of an earthquake, eruption of a volcano, destructive cyclone, epidemic or other public calamity.
5. With evident premeditation.
6. With cruelty, by deliberately and inhumanly augmenting the suffering of the victim, or outraging or scoffing at his person or corpse.

*People v. Dimapilit*²⁸ likewise reiterated the elements required for an accused to be convicted of murder:

- (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 Revised Penal Code; and
- (4) that the killing is not parricide or infanticide.²⁹

Here, the lower courts found that accused-appellants stabbed Cañas to death in a sudden and unexpected attack, which, according to the lower courts, amounted to treachery. As such, the Regional Trial Court found the testimony of the lone prosecution witness, Intinis, sufficiently credible to convict the accused-appellants.

The Regional Trial Court assessed Intinis' credibility during trial,³⁰ and these findings were affirmed by the Court of Appeals. The latter noted that Intinis' testimony was made more credible for having withstood the rigors of cross-examination:

Contrary to accused-appellants' assertions, the RTC's decision was not anchored on accused-appellants' admission of the commission of the crime charged. It is expressly stated in the decision of the RTC that it was

²⁸ *People v. Dimapilit*, 816 Phil. 523 (2017) [Per J. Leonen, Second Division].

²⁹ *Id.* at 540 citing *People v. Las Piñas*, 739 Phil. 502 (2014) [Per J. Leonardo-De Castro].

³⁰ CA *rollo*, pp. 18–19.

only after assiduous calibration of the evidence of the prosecution that the RTC was persuaded that accused-appellants were liable for the crime of murder.

Notwithstanding the loss of the transcript of stenographic notes, it was established that the prosecution's lone witness testified on her affidavit and was subjected to cross-examination to test the accuracy and truthfulness and freedom from interest or bias of her testimony and to elicit all important facts bearing upon the issue. . . .³¹ (Citation omitted)

Likewise, the Court of Appeals found no reason to question Intinis' credibility because it found no ill motive on her part, and neither was any improper motive established by the defense:

Additionally, one thing that bolsters Intinis' credibility is the fact that she had no motive to lie against accused-appellants. Where there is no evidence to indicate that the prosecution witness was actuated by improper motive, the presumption is that he or she was not so actuated and that his or her testimony is entitled to full faith and credit. . . .³² (Citation omitted)

Thus, the Court of Appeals found "no cogent reason"³³ to reverse the Regional Trial Court's findings. While accused-appellants could very well rely solely on the presumption of innocence in their favor, this presumption may be rebutted by the prosecution's evidence. Verily, in *People v. Baroquillo y Villanueva*,³⁴ the accused was convicted of murder on the strength of a single prosecution witness' testimony:

The RTC adequately addressed and rebuked each doubt the defense tried to cast on Ricky Ramos's testimony. Moreover, it sufficiently explained why Ricky Ramos's testimony was enough to convict the accused-appellants, to wit:

The credibility of evidence is not necessarily determined by the number of witnesses but by the quality of the testimony[.] The court notes that Mr. Ramos is a complete stranger to the deceased Nelson Madeloso or to his father Gregorio and all of the accused. Immediately after his arrival home, he told his wife who advised him not to get involved. Nonetheless in the afternoon of the [f]ollowing day, he saw SPO2 Rodney Diez to inform him of his knowledge of the incident. There is no evidence or any other indication in record that his motive was tainted by any cause or reason other than the call of conscience. His relationship by affinity to Officer Diez is immaterial since the latter himself does not [have] an evil motive other than to do his duty as a police officer. His testimony was

³¹ *Rollo*, p. 8.

³² *Id.*

³³ *Rollo*, p. 8.

³⁴ 671 Phil. 771 (2011) [Per J. Leonardo-De Castro, First Division].

clear, coherent and responsive. *Although he is a lone witness, "it is well-settled that the testimony of a single witness which satisfies the court in a given case is sufficient to convict." . . .*³⁵ (Emphasis supplied, citation omitted)

The same held true in *People v. Alcartado*:³⁶

Corollarily, there being no reason to discredit the testimony of Virgilio, the fact that it was not corroborated by the testimony of accused-appellant's children who likewise witnessed the commission of the crime, would be of no moment. After all, *in this jurisdiction the testimony of a single witness, when credible and trustworthy is sufficient to convict.*³⁷ (Emphasis supplied, citation omitted)

This Court affirms the Court of Appeals and Regional Trial Court's assessment of Intinis' testimony. Accused-appellants' objections that Intinis failed to explain why the victim was present at the vicinity of his home, and that Intinis should have acted in a particular way when confronted with the stabbing of her common-law husband, run contrary to the pronouncement in *People v. Banez y Baylon*:³⁸

Witnesses of startling occurrences react differently depending upon their situation and state of mind, and there is no standard form of human behavioral response when one is confronted with a strange, startling or frightful experience. . . .³⁹

Thus, the lower courts did not err in finding Intinis' testimony credible despite her failure to bring the victim to the municipal health center for treatment, or her inability to fend off the victim's assailants. Contrary to accused-appellants' claims, Intinis clearly testified that she saw accused-appellants approach Cañas, push him to the ground, then proceed to stab him repeatedly with bladed weapons.⁴⁰ Likewise, Intinis' description of the attack as "sudden, unprovoked and unexpected[,]"⁴¹ against "an unarmed and unsuspecting Cañas[,]"⁴² sufficiently established the attendance of treachery in the latter's killing.

Accused-appellants were positively identified as the assailants, and the elements of murder—that a person was killed, that the killing was qualified by treachery, and that the crime was neither parricide nor infanticide—were established by her testimony. The lower court's

³⁵ Id. at 787–788.

³⁶ 329 Phil. 1057 (1996) [Per J. Melo, Third Division].

³⁷ Id. at 1065–1066.

³⁸ 770 Phil. 40 (2015) [Per J. Peralta, Third Division].

³⁹ Id. at 46.

⁴⁰ CA rollo, pp. 48–49.

⁴¹ Rollo, p. 10.

⁴² Id. at 11.

determination of a witness' credibility will seldom be disturbed on appeal, unless significant matters were overlooked. Reversal of these findings becomes even more inappropriate when affirmed by the Court of Appeals.⁴³ Thus, the Court of Appeals correctly ruled that the Regional Trial Court's findings "should be upheld in all respects."⁴⁴

Therefore, this Court denies the Appeal and affirms the Court of Appeals' Decision. However, the Decision should be modified as to accused-appellant's monetary liability. Quoted below is the dispositive portion:

WHEREFORE, premises considered, the appeal is DENIED. The Judgment dated March 18, 2014 by Branch 32 of the Regional Trial Court of Dumaguete City in Criminal Case NO. 2008-19145 is AFFIRMED with MODIFICATION. As modified, accused-appellant Wilson M. Edreal is ordered to pay the heirs of Angelita E. Eyo P50,000.00 as civil indemnity ex delicto, P50,000.00 as moral damages, and P30,000.00 as exemplary damages. Interest on all the damages herein awarded is imposed at the legal rate of 6% per annum reckoned from the date of finality of judgment until full payment of the monetary award.

*People v. Jugueta*⁴⁵ provides that "[w]hen the circumstances surrounding the crime call for the imposition of *reclusion perpetua* only, there being no ordinary aggravating circumstance, the Court rules that the proper amounts should be ₱75,000.00 as civil indemnity, ₱75,000.00 as moral damages and ₱75,000.00 exemplary damages, regardless of the number of qualifying aggravating circumstances present."⁴⁶ Since accused-appellants were meted the penalty of *reclusion perpetua* for the murder of Rafael Cañas, it is recommended that they each be held liable to pay the victim's heirs the modified amounts of ₱75,000.00 as civil indemnity, ₱75,000.00 as moral damages, and ₱75,000.00 as exemplary damages.

WHEREFORE, the findings of fact and conclusions of law of the Court of Appeals are **AFFIRMED**. The assailed decision of the Court of Appeals in CA-G.R. CEB-CR. HC. No. 02053 is **AFFIRMED with MODIFICATION**.

Accused-appellants Domingo Horca and Rogelio Gayas are found **GUILTY** beyond reasonable doubt of murder. They are sentenced to suffer the penalty of *reclusion perpetua* and to pay the heirs of Rafael Cañas civil indemnity, moral damages, and exemplary damages at ₱75,000.00 each, and the costs of the suit. In line with current jurisprudence, interest at the rate of

⁴³ *People v. Diu y Kotsesa*, 708 Phil. 218, 232 (2013) [Per J. Leonardo-De Castro, First Division].

⁴⁴ *Rollo*, p. 11.

⁴⁵ 783 Phil. 806 (2016) [Per J. Peralta, En Banc].

⁴⁶ *Id.* at 840.

6% per annum should be imposed on all damages awarded from the date of the finality of this judgment until fully paid.⁴⁷

SO ORDERED.”

Very truly yours,

Mis SDC Batt
MISAEAL DOMINGO C. BATTUNG III
Division Clerk of Court
6/1/20

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The Presiding Judge
REGIONAL TRIAL COURT
Branch 9, Tacloban City
(Criminal Case No. 2007-01-70)

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⁴⁷ See *Nacar v. Gallery Frames*, 716 Phil. 267 (2013) [Per J. Peralta, En Banc].