



Republic of the Philippines  
**Supreme Court**  
 Manila

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 SUPREME COURT OF THE PHILIPPINES

DEC 14 2017

**THIRD DIVISION**

**PEOPLE OF THE PHILIPPINES,**  
 Plaintiff-Appellee,

**G.R. No. 203121**

**Present:**

VELASCO, JR., J.,  
*Chairperson,*  
 BERSAMIN,  
 LEONEN,  
 MARTIRES, and  
 GESMUNDO,\* JJ.

- versus -

**GOLEM SOTA and AMIDAL  
 GADJADLI,**  
 Accused-Appellants.

Promulgated:

**November 29, 2017**

*W. Rafael Lopez*

X ----- X

**DECISION**

**MARTIRES, J.:**

This resolves the appeal of Golem Sota (*Sota*) and Amidal Gadjadli (*Gadjadli*) from the Decision<sup>1</sup> dated 29 February 2012 of the Court of Appeals (*CA*) in CA-G.R. CR HC No. 00801-MIN which affirmed, but modified as to the penalty and damages, the Joint Decision<sup>2</sup> dated 19 October 2009 of the Regional Trial Court, Branch 28, Liloy, Zamboanga del Norte (*RTC*) in Criminal Case Nos. L-00355 and L-00356, finding them guilty of Murder and Arson.

*Martires*

\* On Leave.

<sup>1</sup> *Rollo*, pp. 3-18; penned by Associate Justice Pamela Ann Abella Maxino, and concurred in by Associate Justices Romulo V. Borja and Zenaida T. Galapate-Lagulles.

<sup>2</sup> Records, pp. 172-199; penned by Judge Oscar D. Tomarong.

### THE FACTS

Sota and Gadjadli were charged before the RTC with murder and arson committed as follows:

#### Criminal Case No. L-00355

That, in the evening, on or about the 19th day of November, 1999, in the [M]unicipality of Labason, Zamboanga del Norte, within the jurisdiction of this Honorable Court, the above-accused, armed with a handgun and a hunting knife, conspiring, confederating together and mutually helping one another and with intent to kill, by means of treachery and evident premeditation, did then and there willfully, unlawfully and feloniously attack, assault, shoot and stab one ARTEMIO EBA, thereby inflicting upon him multiple gunshot wounds and multiple stab wounds on the different vital parts of his body, which caused his instantaneous death; that as a result of the commission of the said crime the heirs of the herein victim suffered the following damages, viz:

- |    |                                    |                  |
|----|------------------------------------|------------------|
| a) | Indemnity for victim's death ----- | P50,000.00       |
| b) | Loss of earning capacity -----     | <u>30,000.00</u> |
|    |                                    | P80,000.00       |

CONTRARY TO LAW (Viol. of Art. 248, Revised Penal Code as amended by R.A. 7659), with the aggravating circumstance of superior strength and the qualifying circumstances of treachery and evident premeditation.<sup>3</sup>

#### Criminal Case No. L-00356

That in the evening on or about the 19th day of November 1999, in the [M]unicipality of Labason, Zamboanga del Norte, within the jurisdiction of this Honorable Court, the above-named accused, conspiring, confederating together and mutually helping one another and with intent to destroy property and moved by hatred or resentment, did then and there wilfully, unlawfully and feloniously set on fire the residential house of one ARTEMIO EBA, causing to be totally burned including his belongings, valued at Thirty Thousand (P30,000.00) Pesos, Philippine Currency, to the damage and prejudice of the said owner.

CONTRARY TO LAW (Viol. of Art. 320 of the Revised Penal Code, as amended by PD 1613).<sup>4</sup>

Sota and Gadjadli, assisted by counsel, pleaded not guilty to the charges against them; hence, joint trial proceeded. To prove its cases, the prosecution called to the witness stand Jocelyn and Abelardo, the daughter and son, respectively, of the victim, Artemio Eba (*Artemio*).



<sup>3</sup> Id. at 1.

<sup>4</sup> Id. at 2.

### *The Version of the Prosecution*

At around 9:30 p.m. on 19 November 1999, Jocelyn woke up and found that her father, Artemio, was no longer by her side. She peeped through a hole in the wall of their house, which was located at Sibulan, Barangay Balas, Municipality of Labason, Zamboanga del Norte, and saw Sota and Gadjadli outside with three other persons. The moon was bright, thus, she was able to identify Sota and Gadjadli, who were close friends of Artemio and whose lands adjoined Artemio's land. Sota acted as the leader of the group while Gadjadli carried a pistol. The group was demanding food from Artemio who was willing to comply on condition that he would hand the food through an opening in the wall, being afraid to open the door because he might be harmed. The group lighted a torch made up of coconut leaves and started to burn the house but Artemio was able to put out the fire. Artemio pleaded for them not to burn his house and repeated his request that he would wrap the food and hand it to them through the opening in the wall.<sup>5</sup>

The group demanded that Artemio open the door; otherwise, they would burn the house. When Artemio refused to comply insisting that he would hand them the food through the opening in the wall, the group fired at the house, with Gadjadli firing the first shot at Artemio. At that instance, Jocelyn jumped out of the window to escape and then ran away. When she looked back, she saw their house burning while Artemio, who ran down the house, was fired at by the group. Jocelyn proceeded to Eusebio's<sup>6</sup> house, which was 15 meters away from theirs, and told Eusebio, her brother, what happened to their father; but Eusebio did nothing about it because he was shivering in fear.<sup>7</sup>

Abelardo, a son of Artemio, who lived nearby, did not try to rescue Artemio when he saw that his father's house was burning because he was prevailed upon by his wife not to leave.<sup>8</sup>

The following day, Jocelyn, together with her brothers and sisters, found Artemio's body with stab and gunshot wounds. Jocelyn was brought to the police station at the Municipality of Labason where she executed her affidavit.<sup>9</sup> Abelardo reported Artemio's death to the Barangay Captain and the police detachment, and thereafter executed his affidavit.<sup>10</sup> The house and everything inside it, which had a total value of ₱30,000.00, were totally burned.<sup>11</sup>



<sup>5</sup> Records, pp. 33-34 and 44-45; TSN, 4 October 2000.

<sup>6</sup> Also known as "Eboy."

<sup>7</sup> Records, pp. 34-35, 40, 46-47 and 50-52.

<sup>8</sup> Id. at 60-61; TSN, 24 January 2001.

<sup>9</sup> Id. at 6.

<sup>10</sup> Id. at 5.

<sup>11</sup> Id. at 38-39; TSN, 4 October 2000; id. at 62; TSN, 24 January 2001.

### *The Version of the Defense*

Sota, Gadjadli, Hamid Saaban (*Saaban*), and Tambi S. Janjali (*Janjali*) were presented by the accused to prove their defenses.

When called to the witness stand, Sota admitted that he knew Gadjadli and Artemio. He and his wife had been staying at the house of his parents at Sibulan, Barangay Balas, which was adjacent to the lot where Artemio's house stood. On 19 November 1999, he stayed at home with his parents and siblings because he had fever and chicken pox. He consulted a doctor at Labason hospital about his chicken pox. He came to know that Artemio, with whom he had no misunderstanding, was killed when the policemen arrested him. He was brought to the police station where he executed his counter-affidavit. He claimed that he did not burn the house of Artemio nor was he involved in his killing. He did not see Gadjadli, who was living at Barangay New Salvacion, on 19 November 1999. He had transferred to Lemon, which is the boundary of Barangays Balas and New Salvacion, Municipality of Labason.<sup>12</sup>

Gadjadli stated that he was not responsible for the burning of the house of Artemio and his death. Before the incident on 19 November 1999 took place, Eusebio, Artemio's son, went to his house to ask if he knew someone who would kill Artemio for a price of ₱30,000.00. He told him that he did not know of anyone who would do that. When he asked why he wanted Artemio killed, Eusebio told him that they were having problems with the partitioning of their property. Eusebio then said that he would just go home since he could not find someone to kill his father.<sup>13</sup>

At around 6:00 p.m. on 19 November 1999, Gadjadli proceeded to Artemio's house, which was adjacent to the farmland he was tilling, to inform Artemio about Eusebio's plan. When he reached the place, he saw Eboy, Solaydi, and a masked person shoot Artemio. He shouted at Artemio and his daughter to run because they might be killed. Artemio's daughter was able to run, leaving Artemio behind. Eusebio and his companions chased and fired at him but missed.<sup>14</sup>

Gadjali claimed he had no ill feelings towards Artemio. He averred that Jocelyn could have recognized his presence at Artemio's house because he shouted at her and Artemio to run. He did not see Sota that fateful night.<sup>15</sup>

<sup>12</sup> Id. at (no proper pagination); TSN, 22 May 2008, pp. 2-10 and 15-16.

<sup>13</sup> Id. at 129-131; TSN, 31 July 2008.

<sup>14</sup> Id. at 131-133; id.

<sup>15</sup> Id. at 134; id.

Saaban, a resident and a Barangay Kagawad of Barangay New Salvacion, Labason, testified that he knew Sota and Gadjadli. On 5 November 1999, he treated Sota, whose body had been swelling, with herbal medicine. Because Sota was not healed, he and Sota's parents brought him to Dr. Alpuerto at the Labason hospital. Dr. Alpuerto was also not able to cure Sota so his wife and mother brought him to Dipolog.<sup>16</sup>

Saaban continued to treat Sota when he returned to Labason from Dipolog on 18 November 1999. Because of the enlargement of Sota's penis, he could not have walked from Balas to New Salvacion. When he went back to Sota for treatment on 20 November 1999 at about 4:00 a.m., he was informed that Sota had been arrested. He knew Artemio because their barangays, i.e., New Salvacion and Balas, respectively, are adjacent.<sup>17</sup>

Janjali testified that he knew both Sota and Gadjadli. On 19 November 1999, Sota, on his way to see a doctor for his scabies, passed by Janjali's house at Barangay Salvacion, Labason. Sota proceeded to Dipolog because the person who was supposed to treat him was not around. He was sure that Sota arrived from Dipolog three days after Artemio had been killed because Sota passed by his (Janjali's) house.<sup>18</sup>

### ***The RTC Ruling***

In its Joint Decision<sup>19</sup> dated 19 October 2009, the RTC resolved these cases as follows:

**WHEREFORE**, judgment is hereby rendered as follows:

1. In **Criminal Case No. L-00355**, the [c]ourt finds the accused **GOLEM SOTA and AMIDAL GADJADLI** guilty beyond reasonable doubt of the crime of **Murder** defined and penalized under Art. 248 of the Revised Penal Code as amended by Sec. 6 of Republic Act 7659 as charged in the information, and hereby sentences each of them to suffer the penalty of **Reclusion Perpetua**; to indemnify the heirs of the deceased **ARTEMIO EBA** the sum of ₱50,000.00 as civil indemnity for his death without subsidiary imprisonment in case of insolvency and to pay the costs of the suit.
2. In **Criminal Case No. L-00356**, the court finds the accused **GOLEM SOTA and AMIDAL GADJADLI** guilty beyond reasonable doubt of the offense of **ARSON** penalized under Section 3, Paragraph 2, of Presidential Decree No. 1613 and sentences each of them to suffer the penalty of an indeterminate

<sup>16</sup> Id. at 154-157; TSN, 17 December 2008.

<sup>17</sup> Id. at 157-158; id.

<sup>18</sup> Id. at (no proper pagination); TSN, 27 August 2009, pp. 2-3 and 7-9.

<sup>19</sup> Records, pp. 172-199.



prison term of six (6) years for (4) months and twenty (20) days of *prision mayor* minimum as minimum to fourteen (14) years and two (2) months and ten (10) days of the minimum of reclusion temporal to *reclusion perpetua* as maximum may be imposed on the accused and to pay the heirs of the victim ARTEMIO EBA, the sum of Php30,000.00 representing the value of the house that was burned.

The accused **GOLEM SOTA and AMIDAL GADJADLI** being detention prisoners are entitled to be credited 4/5 of their preventive imprisonment in the service of their respective sentences in accordance with Article 29 of the Revised Penal Code.<sup>20</sup>

### ***The CA Ruling***

The CA, Twenty-First Division found Jocelyn a credible witness who held her ground even during the cross-examination. The CA held that the requisites in order that circumstantial evidence may be sufficient for conviction had been satisfied in these cases and which proved beyond reasonable doubt that Sota and Gadjadli, together with three other unidentified individuals, killed Artemio and burned his house. The CA however modified the decision of the RTC as to the penalties to be imposed on Sota and Gadjadli, and the damages to be awarded, viz:

**IN LIGHT OF ALL THE FOREGOING**, the Court hereby **AFFIRMS** with **MODIFICATIONS** the assailed Joint Decision dated October 19, 2009 of the Regional Trial Court, branch 28, Liloy, Zamboanga del Norte in Criminal Case Nos. L-00355 and L-00356. The accused-appellant Golem Sota and Amidal Gadjadli are found **GUILTY** for the crimes of MURDER and ARSON and are hereby sentenced to suffer the penalty of *reclusion perpetua* for the crime of Murder and an indeterminate prison term of six (6) years and one (1) day to twelve (12) years of *prision mayor* as minimum and twenty (20) years of *reclusion temporal* as maximum for the crime of Arson. Accused-Appellants Golem Sota and Amidal Gadjadli are further ordered to indemnify the heirs of Artemio Eba the amounts of Php75,000.00 as civil indemnity, P50,000.00 as moral damages, Php30,000.00 as exemplary damages and Php30,000.00 as temperate damages, plus legal interest on all damages awarded at the rate of six percent (6%) from the date of commission of the crimes and twelve percent (12%) from the date of finality of this decision.<sup>21</sup>

### **ISSUE**

The sole issue raised by Sota and Gadjadli in their Brief for Accused-Appellants<sup>22</sup> which they adopted<sup>23</sup> as their Supplemental Brief before the Court was:

<sup>20</sup> Id. at 197-198.

<sup>21</sup> *Rollo*, p. 17.

<sup>22</sup> *CA rollo*, pp. 11-24.

<sup>23</sup> Id. at 30-32; the People of the Philippines, represented by the Office of the Solicitor General, likewise manifested that it was adopting its Brief for the Appellee as its Supplemental Brief.

THE COURT A QUO FAILED TO PROVE THE GUILT OF THE ACCUSED-APPELLANTS BEYOND REASONABLE DOUBT.

### THE RULING OF THE COURT

The appeal has no merit.

*The findings of the trial and appellate courts as to the credibility of Jocelyn were final and conclusive.*

Time and again, the Court has held that when the issues involve matters of credibility of witnesses, the findings of the trial court, its calibration of the testimonies, and its assessment of the probative weight thereof, as well as its conclusions anchored on said findings, are accorded high respect, if not conclusive effect. This is so because the trial court has the unique opportunity to observe the demeanor of witnesses and is in the best position to discern whether they are telling the truth.<sup>24</sup> The factual findings of the trial court, especially when affirmed by the CA, are generally binding and conclusive on this Court<sup>25</sup> except on the following instances:

1. When the conclusion is a finding grounded entirely on speculation, surmises, and conjectures;
2. When the inference made is manifestly mistaken, absurd or impossible;
3. Where there is grave abuse of discretion;
4. When the judgment is based on misapprehension of facts;
5. When the findings of fact are conflicting;
6. When the Court of Appeals, in making its findings, went beyond the issues of the case and the same is contrary to the admissions of both appellant and appellee;
7. When the findings are contrary to those of the trial court;
8. When the findings of fact are conclusions without citation of specific evidence on which they are based;
9. When the facts set forth in the petition as well as in the petitioners' main and reply briefs are not disputed by the respondents; and



<sup>24</sup> *People v. Dayaday*, G.R. No. 213224, 16 January 2017.

<sup>25</sup> *Torres v. People*, G.R. No. 206627, 18 January 2017.

10. When the findings of fact of the Court of Appeals are premised on the supposed absence of evidence and contradicted by the evidence on record.<sup>26</sup> (italics omitted)

The CA, performing its sworn duty to re-examine the trial records as thoroughly as it could in order to uncover any fact or circumstances that could impact the verdict in favor of the appellants, is presumed to have uncovered none sufficient to undo or reverse the conviction.<sup>27</sup> The Court, on the one hand, did not find any compelling cause or impetus to disturb the findings of the CA especially so that the accused-appellants failed to convincingly argue their claim that these cases fall within the determined exclusions.

Most significantly, in every criminal case, the task of the prosecution is always two-fold, that is, (1) to prove beyond reasonable doubt the commission of the crime charged; and (2) to establish with the same quantum of proof the identity of the person or persons responsible therefor, because, even if the commission of the crime is a given, there can be no conviction without the identity of the malefactor being likewise clearly ascertained.<sup>28</sup> In these cases, the prosecution had undoubtedly discharged its task in accordance with the required degree of proof.

It was the position of the accused-appellants that Jocelyn failed to elucidate who were the actual perpetrators and how the alleged crimes were carried out. The petitioners claimed that the tales of the events were all speculations and self-serving perceptions.<sup>29</sup>

Credible witness and credible testimony are the two essential elements for determining the weight of a particular testimony.<sup>30</sup> Evidence to be believed must not only proceed from the mouth of a credible witness but must be credible in itself, such as the common experience and observation of mankind can approve as probable under the circumstances.<sup>31</sup>

Although Jocelyn was only twelve years old when the incident happened and when called to the witness stand, the Court takes note of the truth that she possessed all the qualification and none of the disqualification to testify in these cases, viz:

Section 20. *Witnesses; their qualifications.* - Except as provided in the next succeeding section, all persons who can perceive, and perceiving, can make known their perception to others, may be witnesses.

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<sup>26</sup> *Macayan, Jr. v. People*, 756 Phil. 202, 215-216 (2015).

<sup>27</sup> *Luy v. People*, G.R. No. 200087, 12 October 2016.

<sup>28</sup> *People v. Yau*, 741 Phil. 747, 763-764 (2014).

<sup>29</sup> CA rollo, pp. 18 and 20.

<sup>30</sup> *People v. Mangune*, 698 Phil. 759, 769 (2012), citing *People v. Sorongon*, 445 Phil. 273, 278 (2003).

<sup>31</sup> *Idanan v. People*, G.R. No. 193313, 16 March 2016, 787 SCRA 499, 506.



Religious or political belief, interest in the outcome of the case, or conviction of crime unless otherwise provided by law, shall not be a ground for disqualification.

Section 21. *Disqualification by reason of mental incapacity or immaturity.*

– The following persons cannot be witnesses:

- (a) Those whose mental condition, at the time of their production for examination, is such that they are incapable of intelligently making known their perception to others;
- (b) Children whose mental maturity is such as to render them incapable of perceiving the facts respecting which they are examined and of relating them truthfully.<sup>32</sup>

Jocelyn's young age had no bearing on her qualification to testify on what happened that night on 19 November 1999. As the rules show, anyone who is sensible and aware of a relevant event or incident, and can communicate such awareness, experience, or observation to others can be a witness.<sup>33</sup> Significantly, even under the crucible of an intense cross-examination, Jocelyn never wavered in her narration as to the incidents that led to the killing of Artemio and the burning of their house, and in the affirmative identification of Sota and Gadjadli as two of the five persons who were responsible for these crimes.

In *Salvador v. People*,<sup>34</sup> the Court laid down the rule that direct evidence is not the only ground by which the guilt of an accused may be anchored, viz:

Direct evidence of the crime is not the only matrix wherefrom a trial court may draw its conclusion and finding of guilt. The rules of evidence allow a trial court to rely on circumstantial evidence to support its conclusion of guilt. Circumstantial evidence is that evidence which proves a fact or series of facts from which the facts in issue may be established by inference. At times, resort to circumstantial evidence is imperative since to insist on direct testimony would, in many cases, result in setting felons free and deny proper protection to the community.<sup>35</sup>

Jocelyn gave the credible testimony that on the night of 19 November 1999, Sota, Gadjadli, and three other unidentified persons lit the torch to burn their house but Artemio was able to put out the fire. Because the moon was bright, she vividly saw that it was Sota who acted as the leader of the group while Gadjadli carried a pistol. She witnessed that the group started to shoot at the house when Artemio became adamant not to open the door for fear he would be killed. It was with this burst of gunshots that made her

<sup>32</sup> Rules of Court, Rule 130.

<sup>33</sup> *People v. Esugon*, 761 Phil. 300, 310 (2015).

<sup>34</sup> 581 Phil. 430 (2008).

<sup>35</sup> *Id.* at 439-440.

jump out of the window and run towards the house of her brother Eusebio. When she looked back, their house was already burning while the group was shooting at Artemio who ran down the house.<sup>36</sup> Plainly, these circumstances as testified to by Jocelyn produced a conviction beyond reasonable doubt that Sota, Gadjadli, and the three unidentified persons were responsible for the killing of Artemio and the burning of their house.

Accused-appellants denigrate as contrary to human experience the testimony of Jocelyn that Eusebio, having been informed of what had happened to their father, did not make any move to help him.<sup>37</sup>

Noteworthy, in *People v. Bañez*,<sup>38</sup> the Court ruled that it is not at all uncommon or unnatural for a witness who, as in this case, having seen the killing of a person, did not even move, help, or run away from the crime scene, but simply chose to stay and continue plowing. It explained its ruling as follows:

It is settled that there could be no hard and fast gauge for measuring a person's reaction or behavior when confronted with a startling, not to mention horrifying, occurrence, as in this case. 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. The workings of the human mind placed under emotional stress are unpredictable, and people react differently to shocking stimulus — some may shout, some may faint, and others may be plunged into insensibility.<sup>39</sup>

Jocelyn testified that Eusebio did not help Artemio because he was trembling with fear. Presumably, Eusebio had been informed by Jocelyn that five malefactors came to Artemio's house that night. Eusebio's immediate reaction was to cower in fear with concern for his self-preservation rather than coming to the aid of his father.

***Jocelyn had no motive in naming Sota and Gadjadli as the perpetrators of the crime.***

Sota and Gadjadli failed to attribute any ill motive on the part of Jocelyn in testifying against them. Notably, nothing from the records can sustain a finding that Jocelyn, who was a child when called to the witness stand, was moved by ill will against Sota and Gadjadli sufficient to encourage her to fabricate a tale before the trial court. Both Sota and

<sup>36</sup> Records, pp. 33-35; TSN, 4 October 2000.

<sup>37</sup> CA *rollo*, p. 20.

<sup>38</sup> 770 Phil. 40 (2015).

<sup>39</sup> Id. at 46.

Gadjadli, according to her, were even the friends of Artemio. At her tender age, Jocelyn could not have been able to concoct particulars on how the group killed Artemio and burned their house. Settled is the rule that the absence of evidence as to an improper motive strongly tends to sustain the conclusion that none existed and that the testimony is worthy of full faith and credit.<sup>40</sup> Moreover, it has been observed that the natural interest of witnesses, who are relatives of the victims, in securing the conviction of the guilty would deter them from implicating persons other than the culprits, for otherwise, the culprits would gain immunity.<sup>41</sup>

***The defenses of alibi and denial proffered by Gota and Gadjadli were intrinsically weak.***

Sota's alibi was that he had fever due to chicken pox on 19 November 1999; thus, he stayed with his parents and siblings at their parents' house, located at Sibulan, Barangay Balas. Artemio's house stood on an adjacent lot. To fortify Sota's defense, Saaban testified that he was treating Sota for the swelling in his body at New Salvacion.

The inconsistencies in the testimonies of Sota and Saaban were readily apparent. Sota stated that he was staying in the house of his parents in Sibulan while Saaban claimed that Sota had been staying at New Salvacion where he had been treating the latter. To bolster his claim that Sota could not have committed the crime, Saaban stated that Sota's penis had been swollen; thus, Sota could not have walked to Sibulan. It must be stressed, however, that Sota's defense was that he was at Sibulan at his parents' house because he had fever and chicken pox.

On the one hand, Janjali stated that he saw Sota on 19 November 1999 as the latter was on his way to Dipolog to seek medical attention for his scabies. He claimed that it was three days thereafter when Sota came back from Dipolog, thus, it was impossible for Sota to be at the crime scene on 19 November 1999 because Sota was still at a hospital in Dipolog. He asserted that he was sure about this because Sota passed by his house going to and coming from Dipolog.

The testimony of Janjali fatally weakens Sota's alibi. To stress, Sota insisted that he was at the house of his parents on 19 November 1999 while Saaban confirmed that Sota was in Labason on that day. It was clear, therefore, that contrary to Janjali's testimony, Sota was not in Dipolog; thus, it was not impossible for Sota to be at the scene of the crime. 

<sup>40</sup> *People v. Ygot*, G.R. No. 210715, 18 July 2016, 797 Phil. 87, 94.

<sup>41</sup> *People v. Reynes*, 423 Phil. 363, 382 (2001).

Gadjadli offered the absurd alibi that it was Eusebio who had the intention to kill Artemio. He claimed that three nights before the incident Eusebio came to his house asking if he knew someone who could kill Artemio for ₱30,000.00.

Noteworthy, the testimony of a witness must be considered in its entirety and not merely on its truncated parts. In deciphering a testimony, the technique is not to consider only its isolated parts nor anchor a conclusion on the basis of said parts.<sup>42</sup> The defense of Gadjadli easily amounted to nothing when assayed as to the other portions of his testimony. He had stated that, on 19 November 1999 at around 6:00 p.m., he was on his way to inform Artemio about Eusebio's plan when he came upon Eusebio, Solaydi, and a masked man shooting at Artemio. Gadjadli failed to consider the fact that the incident happened at 9:00 p.m. on 19 November 1999; thus, it was impossible for him to have witnessed the shooting of Artemio at 6:00 p.m.

When compared to the alibi offered by Gadjadli to justify his presence at the scene of the crime, the Court finds more credible Jocelyn's testimony identifying him as the one carrying the pistol and firing the first shot at Artemio.

Denial is an intrinsically weak defense that further crumbles when it comes face-to-face with the positive identification and straightforward narration of the prosecution witnesses.<sup>43</sup> For the defense of alibi to prosper, the accused must prove that he was somewhere else when the offense was committed and that he was so far away that it was not possible for him to have been physically present at the place of the crime or at its immediate vicinity at the time of its commission.<sup>44</sup> The defense of denial must be buttressed by strong evidence of non-culpability to merit credibility.<sup>45</sup> Sota's testimony that he was at his parents' house adjacent to the lot where Artemio's house stood, while Gadjadli claimed that he was actually at the scene of the crime, clearly proves it was probable that both Sota and Gadjadli had committed the crimes as charged.

It was the position of Sota and Gadjadli that they had no motive to kill Artemio.<sup>46</sup> Generally, the motive of the accused in a criminal case is immaterial and does not have to be proven.<sup>47</sup> In these cases, the proof of motive of the appellants becomes even more irrelevant considering that their identity as two of the persons responsible for the killing of Artemio and the burning of his house was no longer in question.



<sup>42</sup> *People v. Combate*, 653 Phil. 487, 500 (2010).

<sup>43</sup> *Ibañez v. People*, G.R. No. 190798, 27 January 2016, 782 SCRA 291, 312.

<sup>44</sup> *People v. Pitalla, Jr.*, G.R. No. 223561, 19 October 2016.

<sup>45</sup> *People v. Regalado*, G.R. No. 210752, 17 August 2016.

<sup>46</sup> CA rollo, pp. 21-22.

<sup>47</sup> *People v. De Guzman*, 690 Phil. 701, 716 (2012).

***Criminal Case No. L-00355***

Foremost, there is a need to determine whether the crime committed by the petitioners based on the facts was arson, murder or arson and homicide/murder using the following guidelines based on jurisprudence:<sup>48</sup>

In cases where both burning and death occur, in order to determine what crime/crimes was/were perpetrated – whether arson, murder or arson and homicide/murder, it is *de rigueur* to ascertain the main objective of the malefactor: (a) if the main objective is the burning of the building or edifice, but death results by reason or on the occasion of arson, the crime is simply arson, and the resulting homicide is absorbed; (b) if, on the other hand, the main objective is to kill a particular person who may be in a building or edifice, when fire is resorted to as the means to accomplish such goal the crime committed is murder only; lastly, (c) if the objective is, likewise, to kill a particular person, and in fact the offender has already done so, but fire is resorted to as a means to cover up the killing, then there are two separate and distinct crimes committed – homicide/murder and arson.<sup>49</sup>

According to Jocelyn, when Artemio refused to open the door, the group began shooting at the house. The group followed Artemio when he ran under the house, and there shot him – facts that unerringly leave the conclusion that the group’s objective was to kill Artemio.

Jocelyn testified that when Artemio refused to heed the demand of the group to give them food by opening the door, the group started to burn the house using a lighted torch of coconut leaves, which flames Artemio was able to put out. When Artemio still refused to open the door, the group threatened that they would burn the house. They made good their threat before they went after Artemio who ran below his house. Undoubtedly, the group’s intent was also to burn down the house of Artemio, not only to kill him.

With these established facts, the prosecution was correct in charging Sota, Gadjadli, and the three unnamed persons with murder and arson.

Murder is defined under Article 248 of the Revised Penal Code, as amended by Republic Act (*R.A.*) No. 7659<sup>50</sup> as follows:

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

<sup>48</sup> *People v. Baluntong*, 629 Phil. 441 (2010).

<sup>49</sup> *Id.* at 446-447, citing *People v. Malngan*, 534 Phil. 404, 431 (2006).

<sup>50</sup> Entitled “An Act to impose the Death Penalty on Certain Heinous Crimes, Amending for that Purpose the Revised Penal Laws, as amended, Other Special Laws, and for Other Purposes” which was approved on 13 December 1993.

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.

The RTC held that the qualifying circumstances of treachery and evident premeditation, and the aggravating circumstance of superior strength that attended the killing of Artemio had been proven by the prosecution.<sup>51</sup>

Jurisprudence dictates that, to be liable for murder, the prosecution must prove that: (1) a person was killed; (2) the accused killed him; (3) the killing was attended by any of the qualifying circumstances mentioned in Article 248; and (4) the killing is neither parricide nor infanticide.<sup>52</sup>

The essence of treachery is that the attack comes without a warning and is done in a swift, deliberate, and unexpected manner, affording the hapless, unarmed, and unsuspecting victim no chance to resist or escape.<sup>53</sup> In treachery, the sudden and unexpected attack on an unsuspecting victim is without the slightest provocation on his part.<sup>54</sup> The mode of attack, therefore, must have been planned by the offender and must not have sprung from an unexpected turn of events.<sup>55</sup> What is decisive is that the execution of the attack made it impossible for the victim to defend himself or to retaliate. Treachery is likewise committed when the victim, although warned of the danger to his life, is defenseless and unable to flee at the time of the infliction of the *coup de grace*.<sup>56</sup>

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<sup>51</sup> CA rollo, pp. 38-40.

<sup>52</sup> *People v. Camat*, 692 Phil. 55, 73 (2012).

<sup>53</sup> *People v. Zulieta*, 720 Phil. 818, 826 (2013), citing *People v. Jalbonian*, 713 Phil. 93, 106 (2013) further citing *People v. Dela Cruz*, 626 Phil. 631, 640 (2010).

<sup>54</sup> *People v. Jugueta*, G.R. No. 202124, 5 April 2016, 788 SCRA 331, 350.

<sup>55</sup> *People v. Cañaveras*, 722 Phil. 259, 270 (2013).

<sup>56</sup> *People v. Camat*, supra note 52 at 85, citing *People v. Nugas*, 677 Phil. 168, 179-180 (2011).

Jurisprudence<sup>57</sup> defines evident premeditation as follows:

Evident premeditation exists when the execution of the criminal act is 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. Premeditation, to be considered, must be evident and so proved with equal certainty and clarity as the crime itself. It is essential that the following elements should there concur: (1) the time when the offender has determined to commit the crime, (2) an act manifestly indicating that the culprit has clung to his determination and, (3) a sufficient interval of time between the determination and the execution of the crime has lapsed to allow him to reflect upon the consequences of his act.<sup>58</sup>

It was obvious that the group had deliberately reflected on the means to carry out their plan to kill Artemio, i.e., by making him open the door of his house when he hands them the food they demanded and thereafter to shoot him. They had a torch made of coconut leaves while Gadjadli was armed with a pistol which, as pointed out by the RTC, was an effective ploy and calculation by the group, considering that if Artemio refused to come out of the house, they would burn it.<sup>59</sup>

There was treachery when the group made Artemio believe they would burn his house for refusing to open the door and hand them the food they were demanding. Although Artemio knew the danger to his life if the group proceeded with its threat to burn the house should he still refuse to open the door, the unexpected firing at his house made it impossible for him to defend himself or to retaliate.

The circumstance of use of superior strength cannot serve to qualify or aggravate the felony at issue since it is jurisprudentially settled that when the circumstance of abuse of superior strength concurs with treachery, the former is absorbed in the latter.<sup>60</sup>

Pursuant to R.A. No. 7659, the penalty to be imposed upon the accused-appellants should be *reclusion perpetua* to death. With the effectivity of R.A. No. 9346,<sup>61</sup> murder shall no longer be punishable by death but by *reclusion perpetua*.

Following the ruling of the Court in *People v. Jugueta*,<sup>62</sup> appellants shall be liable for the following: civil indemnity of ₱100,000.00; moral 

<sup>57</sup> *People v. Repollo*, 387 Phil. 390 (2000).

<sup>58</sup> *Id.* at 403,

<sup>59</sup> *CA rollo*, p. 40.

<sup>60</sup> *People v. Dadao*, 725 Phil. 298, 314 (2014).

<sup>61</sup> Entitled "An Act Prohibiting the Imposition of Death Penalty in the Philippines" dated 24 January 2006.

<sup>62</sup> *Supra* note 54 at 381-382 and 388.

damages of ₱100,000.00; exemplary damages of ₱100,000.00; and temperate damages of ₱50,000.00. Additionally, the civil indemnity, moral damages, exemplary damages, and temperate damages shall be subject to six percent (6%) interest per annum from finality of decision until fully paid.<sup>63</sup>

***Criminal Case No. L-00356***

In Criminal Case No. L-00356, accused-appellants were charged with arson under Art. 320 of the RPC, as amended by Presidential Decree (*P.D.*) No. 1613.<sup>64</sup>

Enlightened precedent<sup>65</sup> dictates the meaning of *corpus delicti* in arson, viz:

Proof of the *corpus delicti* is indispensable in the prosecution of arson, as in all kinds of criminal offenses. *Corpus delicti* means the substance of the crime; it is the fact that a crime has actually been committed. In arson, the *corpus delicti* is generally satisfied by proof of the bare occurrence of the fire, *e.g.*, the charred remains of a house burned down and of its having been intentionally caused. Even the uncorroborated testimony of a single eyewitness, if credible, may be enough to prove the *corpus delicti* and to warrant conviction.<sup>66</sup>

As testified to by Jocelyn, she and her siblings found the house and everything inside it burned to the ground the day after the incident. Noteworthy, the fact that the house of Artemio was burned was never assailed by the accused-appellants.

Section 3<sup>67</sup> of P.D. No. 1613 provides that the penalty of *reclusion temporal* to *reclusion perpetua* shall be imposed if the property burned is an inhabited house or dwelling, while Section 4 thereof states that the maximum of the penalty shall be imposed if arson was attended by the following special aggravating circumstances:

1. If committed with intent to gain;
2. If committed for the benefit of another;



<sup>63</sup> Id. at 388.

<sup>64</sup> Entitled "Amending The Law On Arson" dated 7 March 1979.

<sup>65</sup> *People v. De Leon*, 599 Phil. 759 (2009).

<sup>66</sup> Id. at 769.

<sup>67</sup> Section 3. *Other Cases of Arson*. The penalty of Reclusion Temporal to Reclusion Perpetua shall be imposed if the property burned is any of the following:

1. Any building used as offices of the government or any of its agencies;
2. Any inhabited house or dwelling;
3. Any industrial establishment, shipyard, oil well or mine shaft, platform or tunnel;
4. Any plantation, farm, pastureland, growing crop, grain field, orchard, bamboo grove or forest;
5. Any rice mill, sugar mill, cane mill or mill central; and
6. Any railway or bus station, airport, wharf or warehouse.

3. If the offender is motivated by spite or hatred towards the owner or occupant of the property burned;
4. **If committed by a syndicate.**

**The offense is committed by a syndicate if it is planned or carried out by a group of three (3) or more persons.** (emphasis supplied)

The special aggravating circumstance that arson was committed by a syndicate should have been appreciated in this case.

Sections 8 and 9 of Rule 110 of the Rules of Court provide:

Section 8. *Designation of the offense.* — The complaint or information shall state the designation of the offense given by the statute, aver the acts or omissions constituting the offense, and specify its qualifying and aggravating circumstances. If there is no designation of the offense, reference shall be made to the section or subsection of the statute punishing it.

Section 9. *Cause of the accusation.* — The acts or omissions complained of as constituting the offense and the qualifying and aggravating circumstances must be stated in ordinary and concise language and not necessarily in the language used in the statute but in terms sufficient to enable a person of common understanding to know what offense is being charged as well as its qualifying and aggravating circumstances and for the court to pronounce judgment.

The above provisions requiring that the qualifying and aggravating circumstances be specified in the information are in consonance with the constitutional rights of the accused to be informed of the nature and cause of accusation against him. The purpose is to allow the accused to fully prepare for his defense, precluding surprises during the trial.<sup>68</sup> Hence, even if the prosecution has duly proven the presence of the circumstances, the Court cannot appreciate the same if they were not alleged in the information.<sup>69</sup>

The information in Criminal Case No. L-00356 pertinently states that the “*above-named accused, conspiring, confederating together and mutually helping one another and with intent to destroy property and moved by hatred or resentment, did then and there wilfully, unlawfully and feloniously set on fire the residential house of one ARTEMIO EBA, causing to be totally burned including his belongings.*”<sup>70</sup> The information clearly informs the accused that they, i.e., Sota, Gadjadli, John Doe, Peter Doe, and Richard Doe, were being charged for having set on fire Artemio’s house. The allegation that there were five accused conspiring to burn Artemio’s house undoubtedly qualifies the crime as having been committed by a syndicate.

<sup>68</sup> *People v. Lab-ao*, 424 Phil. 482, 497 (2002).

<sup>69</sup> *People v. Lapore*, 761 Phil. 196, 203 (2015).

<sup>70</sup> Records, p. 2.

Put otherwise, the information was couched in ordinary and concise language enough to enable the accused to know that they were being charged with arson perpetrated as a syndicate. Hence, to further state in the information that the crime was attended by the special aggravating circumstance that it was committed by a syndicate would only be a superfluity.

The aggravating circumstance that the crime was committed by a syndicate was confirmed by the fact that the accused-appellants and three other unidentified persons carried a torch and assembled outside Artemio's house making threats to burn it. The well-coordinated movements of the group fortified their joint purpose and design, and community of interest in burning Artemio's house. The group started to burn the house of Artemio when he refused to open his door in order to hand them food. It was fortunate that Artemio was able to put out the fire from the torch; but after the group had fired on the house of Artemio, they set fire to his house and thereafter ran after him to shoot him. Noteworthy, in their respective decisions, both the RTC<sup>71</sup> and the CA<sup>72</sup> ruled that there were five persons who killed Artemio and burned his house down.

To establish conspiracy, it is not essential that there be proof as to a previous agreement to commit a crime, it being sufficient that the malefactors shall have acted in concert pursuant to the same objective.<sup>73</sup> In such a case, the act of one becomes the act of all and each of the accused will thereby be deemed equally guilty of the crime committed.<sup>74</sup>

Considering the presence of the special aggravating circumstance, the penalty of *reclusion perpetua* should have been imposed on the accused-appellants.

On damages, the CA was correct in awarding temperate damages in the amount of ₱30,000.00. In view of the presence of the special aggravating circumstance, exemplary damages in the amount of ₱20,000.00 is likewise appropriate.<sup>75</sup> In addition, the temperate damages and exemplary damages to be paid by the accused-appellants are subject to interest at the rate of six percent (6%) per annum from finality of decision until fully paid.<sup>76</sup>

**WHEREFORE**, the instant appeal is **DENIED**. Judgment is hereby rendered as follows:



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<sup>71</sup> Id. at 186.

<sup>72</sup> *Rollo*, p. 13.

<sup>73</sup> *People v. CA*, 755 Phil. 80, 114 (2015).

<sup>74</sup> *Buebos v. People*, 573 Phil. 347, 360 (2008).

<sup>75</sup> *People v. De Leon*, 599 Phil. 759, 770 (2009).

<sup>76</sup> *People v. Jugueta*, supra note 54 at 388.

In Criminal Case No. L-00355, the Court finds GOLEM SOTA and AMIDAL GADJADLI **GUILTY** beyond reasonable doubt of **Murder** defined and penalized under Article 248 of the Revised Penal Code, as amended by Republic Act No. 7659, and hereby sentences each of them to suffer the penalty of *reclusion perpetua*, and to indemnify the heirs of ARTEMIO EBA as follows: civil indemnity of ₱100,000.00; moral damages of ₱100,000.00; exemplary damages of ₱100,000.00; and temperate damages of ₱50,000.00, with interest at the rate of six percent (6%) per annum from the time of finality of this decision until fully paid, to be imposed on the civil indemnity, moral damages, exemplary damages, and temperate damages.

In Criminal Case No. L-00356, the Court finds GOLEM SOTA and AMIDAL GADJADLI **GUILTY** beyond reasonable doubt of **Arson** defined and penalized under Article 320 of the Revised Penal Code, as amended by Presidential Decree No. 1613; and hereby sentences each of them to suffer the penalty of *reclusion perpetua*, and to indemnify the heirs of ARTEMIO EBA the sum of ₱30,000.00 as temperate damages and ₱20,000.00 as exemplary damages, with interest at the rate of six percent (6%) per annum from the time of finality of this decision until fully paid.

**SO ORDERED.**

  
**SAMUEL R. MARTIRES**  
Associate Justice

**WE CONCUR:**

  
**PRESBITERO J. VELASCO, JR.**  
Associate Justice  
Chairperson

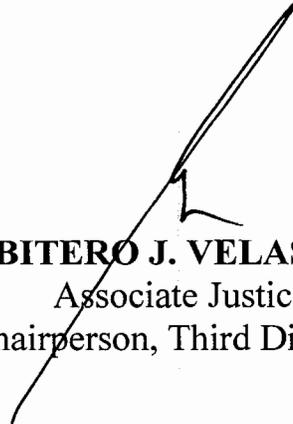
  
**LUCAS P. BERSAMIN**  
Associate Justice

  
**MARVIC M.V.F. LEONEN**  
Associate Justice

(On Leave)  
**ALEXANDER G. GESMUNDO**  
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.



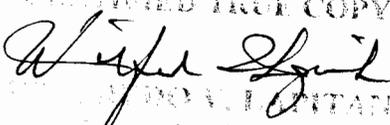
**PRESBITERO J. VELASCO, JR.**  
Associate Justice  
Chairperson, Third Division

**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.



**MARIA LOURDES P. A. SERENO**  
Chief Justice

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