



Republic of the Philippines
Supreme Court
Manila

CERTIFIED TRUE COPY
Wilfredo V. Lapitan
WILFREDO V. LAPITAN
Division Clerk of Court
Third Division
DEC 13 2016

THIRD DIVISION

PEOPLE OF THE PHILIPPINES,
Plaintiff-Appellee,

G.R. No. 214772

Present:

VELASCO, JR., J.,
Chairperson,
LEONARDO-DE CASTRO,*
PERALTA,**
PEREZ, and
REYES, JJ

-versus-

ELSON SANTUILLE @
“BORDADO” @ ELTON
SANTUILLE @ “BORDADO,”
Accused-Appellant.

Promulgated:
November 21, 2016

Wilfredo V. Lapitan

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DECISION

PEREZ, J.:

This is an appeal assailing the Decision¹ of the Court of Appeals in CA-G.R. CR-H.C. No. 05823 dated 27 February 2014 which dismissed the appeal of appellant Elson Santuille and affirmed with modification the Decision² of the Regional Trial Court (RTC) of the City of Manila, Branch 42, in Criminal Case No. 10-274400, which found appellant *Elson Santuille @ “Bordado” @ Elton Santuille @ Bordado* guilty beyond reasonable doubt of the crime of Murder.

* Additional Member per Raffle dated 13 June 2016.

** On Wellness Leave.

¹ *Rollo*, pp. 2- 13; Penned by Associate Justice Remedios A. Salazar-Fernando with Associate Justices Samuel H. Gaerlan and Pedro B. Corales concurring.

² Records, pp. 320-329; Presided by Presiding Judge Dinnah C. Aguila-Topacio.

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Appellant was charged before the RTC of the City of Manila, Branch 42, with murder as follows:

CRIMINAL CASE No. 10-274400

That on or about June 4, 2009, in the City of Manila, Philippines, the said accused, with intent to kill and with treachery, did then and there willfully, unlawfully and feloniously attack, assault, and use personal violence upon the person of one ROGELIO MACO Y ARNESTO, by then and there shooting him on the head with an unknown caliber firearm, thereby inflicting upon him gunshot wound which was the direct and immediate cause of his death thereafter.³

During arraignment, appellant pleaded not guilty to the crime charged. At the preliminary and pre-trial conference, the prosecution and the defense stipulated on the identity of appellant and the jurisdiction of the trial court.⁴ Trial on the merits thereafter ensued.

The prosecution presented as witnesses Elvira T. Maco (Elvira), the wife of the victim, Myrna Q. Maco (Myra), sister-in-law of the victim, Benny A. Maco (Benny), brother of the victim, Dr. Alvin A. David (Dr. David), the medico-legal officer, and SPO4 Virgilio Martinez, the investigating police officer. The defense presented appellant himself, the Bureau of Corrections administrative officer Jose Ma. D. Dela Paz, *barangay tanod* Christopher D. De Jesus, and *barangay* chairman Saturnino L. Grutas (Grutas).

The prosecution established that on 4 June 2009, the victim, his wife Elvira, his sister-in law Myrna and brother Benny were all together in a condominium unit in Tondo, Manila, at work on a project. Grutas arrived thereat with three (3) *tanods*, among whom is appellant, and two (2) soldiers. The victim went outside the unit despite the party's opposition and fears of the worst, owing to the former and Grutas's strained relations. Elvira followed. Elvira and the victim's two (2) other family members, from the open door, witnessed Grutas hand appellant a gun which the latter pointed to the victim who tried to run away. Appellant then shot the victim at the back of the head and fled from the scene. Grutas mercilessly spat on the victim's slumped body.⁵

³ Id. at 1.

⁴ Id. at 74-75.

⁵ TSN, 18 January 2011, pp. 6-9; TSN, 17 February 2011, pp. 3-9; TSN, 31 May 2011, pp. 3-7.

Dr. David, the medico-legal officer, confirmed that the victim died from the lone gunshot wound at the back of the head.⁶ His findings were embodied in the Certificate of Post-Mortem Examination,⁷ Official Autopsy Report,⁸ and Anatomical Diagram.⁹

Appellant maintained that he is Lando Santuilla and that it was not he but his older brother, Elson, who killed the victim. He asserted that he had been away in Navotas at the time of the incident. He also stated that he had been imprisoned for murder in 2001 and was released on 15 March 2008; thus he could not have secured any National Bureau of Investigation (NBI) clearance¹⁰ of Elson Santuilla on 1 August 2007.¹¹ He presented a Certificate of Discharge from Prison¹² dated 15 March 2008 of one Lando Santuilla bearing the mark "RELIEVED" as proof.

Jose Ma. Del Callar testified that appellant had been discharged from prison on 06 January 2007; proof of which is a Certificate of Discharge from Prison¹³ of one Lando Santuilla recorded in their office dated 6 January 2007 bearing the mark "RELEASED." The purported certificate of discharge dated 15 March 2008 presented by appellant does not appear in their office records.¹⁴

Christopher de Jesus (De Jesus), a *barangay tanod* like appellant, and also appointed by Grutas, testified to support appellant's assertion that the latter is Lando and not Elson Santuilla. Witness De Jesus, at the time of his testimony, was a prison inmate in the same jail as appellant.¹⁵

Grutas, the *barangay* chairman, who had appointed both De Jesus and appellant as *tanods*, also testified in the same wise. Grutas had been initially implicated as principal by inducement of the instant murder case. The case against him in the prosecutor's office was however dismissed.¹⁶

After trial, the RTC on 25 October 2012 rendered the assailed decision disposing as follows:

⁶ TSN, 18 August 2011, pp. 4-7.

⁷ Records, p.19.

⁸ Id. at 126.

⁹ Id. at 125.

¹⁰ Id. at 188.

¹¹ TSN, 8 December 2011, pp. 3-6; TSN, 10 April 2012, pp. 3-7.

¹² Records, p. 172.

¹³ Id. at 223.

¹⁴ TSN, 21 June 2012, pp. 4-12.

¹⁵ TSN, 2 August 2012.

¹⁶ TSN, 4 September 2012.

WHEREFORE, accused Elson Saldana Santuilla is hereby found GUILTY beyond reasonable doubt of the crime of murder. He is hereby sentenced to suffer the penalty of *reclusion perpetua*. He is likewise ordered to pay the heirs of the victim PhP 53,030.00 as civil indemnity, PhP 50,000.00 as moral damages, and PhP 30,000.00 as exemplary damages.¹⁷

The RTC gave credence to the eyewitness accounts of Elvira, Myrna and Benny, all surnamed Maco, of appellant's liability in the killing of the victim. The RTC discovered the lies perpetuated by appellant to escape punishment. The RTC likewise found de Jesus and Grutas as biased witnesses. Significantly, the RTC judge conducted a visual comparison of the NBI clearance photo of one Elson Santuilla with the facial features of appellant who claimed he is Lando Santuilla; and definitively ruled that Lando and Elson Santuilla are one and the same person.

The Court of Appeals found no reason to disturb the findings of the RTC and upheld its ruling but with modification on the amount of damages awarded. The appellate court also found the eyewitness accounts credible, straightforward and reliable and upheld their positive identification of appellant as the perpetrator. The Court of Appeals thus disposed:

WHEREFORE, the appeal is **DENIED** and the Decision dated October 25, 2012 of the RTC, Branch 42, Manila in Criminal Case No. 10-274400 is **AFFIRMED with MODIFICATION** only insofar as the amount to be paid by accused-appellant Santuilla to pay the heirs of Rogelio Maco is concerned, which are as follows: P53,030.00 as actual damages, P75,000 as civil indemnity, P50,000.00 as moral damages, and P30,000.00 as exemplary damages. All monetary awards for damages shall earn interest at the legal rate of 6% per annum from the date of finality of this Decision until fully paid.¹⁸

Now before the Court for final review, we affirm appellant's conviction.

Well-settled in our jurisprudence is the rule that findings of the trial court on the credibility of witnesses deserve great weight, as the trial judge is in the best position to assess the credibility of the witnesses, and has the unique opportunity to observe the witness first hand and note his demeanor, conduct and attitude under grueling examination.¹⁹ Absent any showing that

¹⁷ Records, p. 329.

¹⁸ *Rollo*, p. 12.

¹⁹ *People v. Rivera*, 458 Phil. 856, 873 (2003) cited in *People v. Sevillano*, G.R. 200800, 9 February 2015, 750 SCRA 221, 227.

the trial court's findings of facts were tainted with arbitrariness or that it overlooked or misapplied some facts or circumstances of significance and value, or its calibration of credibility was flawed, the appellate court is bound by its assessment.

In the prosecution of the crime of murder as defined in Article 248 of the Revised Penal Code (RPC), the following elements must be established: (1) that a person was killed; (2) that the accused killed that person; (3) that the killing was attended by treachery; and (4) that the killing is not infanticide or parricide.²⁰

Our review of the records convinces us that these elements were clearly met. We uphold appellant's conviction in Criminal Case No. 10-274400 for Murder. The prosecution eyewitnesses positively identified appellant as the person responsible for killing the victim Rogelio Maco. The Court finds no reason to disbelieve the credible and straightforward testimonies. We are not persuaded by the appellant's defenses of denial and alibi as these cannot prevail over the eyewitnesses' positive identification of him as the perpetrator of the crime. Denial, like alibi, if not substantiated by clear and convincing evidence is negative and self-serving evidence undeserving of weight in law.²¹

The prosecution ably established the presence of the element of treachery as a qualifying circumstance. The shooting of the unsuspecting victim was sudden and unexpected which effectively deprived him of the chance to defend himself or to repel the aggression, insuring the commission of the crime without risk to the aggressor and without any provocation on the part of the victim.

In fine, the Court finds no error in the conviction of the appellant.

The Court affirms the penalty of *reclusion perpetua* imposed upon appellant. Under Article 248 of the Revised Penal Code, as amended, the crime of murder qualified by treachery is penalized with *reclusion perpetua* to death. The lower courts were correct in imposing the penalty of *reclusion perpetua* in the absence of any aggravating and mitigating circumstances that attended the commission of the crime. The Court likewise affirms the award of actual damages and civil indemnity but the award of the other damages should be modified, in accordance with prevailing jurisprudence, as

²⁰ *People v. Sevillano*, G.R. 200800, 9 February 2015, 750 SCRA 221, 227 citing *People v. Sameniano*, 596 Phil. 916, 928 (2009).

²¹ *Malana, et al. v. People*, 573 Phil. 39, 53 (2008).

follows: ₱75,000.00 as moral damages, and ₱75,000.00 as exemplary damages.²²

Further, all the amount of damages awarded should earn interest at the rate of six percent (6%) *per annum* from the finality of this judgment until said amounts are fully paid.²³

WHEREFORE, premises considered, the Decision dated 27 February 2014 of the Court of Appeals, Special Second Division, in CA-G.R. CR-H.C. No. 05823, finding Elson Santuile @ “Bordado” @ Elton Santuile @ “Bordado” guilty of murder in Criminal Case No. 10-274400 is **AFFIRMED** with **MODIFICATION**. Appellant is not eligible for parole, and in addition to the actual damages of ₱53,030.00, appellant is **ORDERED** to pay the heirs of Rogelio Maco as follows: ₱75,000.00 as civil indemnity, ₱75,000.00 as moral damages, and ₱75,000.00 as exemplary damages.

He is **FURTHER** ordered to pay interest on all damages awarded at the legal rate of six percent (6%) *per annum* from the date of finality of this judgment until fully paid.

No pronouncement as to costs.

SO ORDERED.


JOSE PORTUGAL PEREZ
Associate Justice

WE CONCUR:


PRESBITERO J. VELASCO, JR.
Associate Justice
Chairperson

²² *People v. Jugueta*, G.R.No. 202124, 5 April 2016.

²³ *People v. Vitero*, 708 Phil. 49, 65 (2013).

Teresita Leonardo de Castro
TERESITA J. LEONARDO-DE CASTRO
 Associate Justice

(On Wellness Leave)
DIOSDADO M. PERALTA
 Associate Justice

[Signature]
BIENVENIDO L. REYES
 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.

[Signature]
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, it is hereby certified 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.

CERTIFIED TRUE COPY
[Signature]
WILFREDO V. LAPITAN
 Division Clerk of Court
 Third Division

[Signature]
MARIA LOURDES P. A. SERENO
 Chief Justice

DEC 13 2016