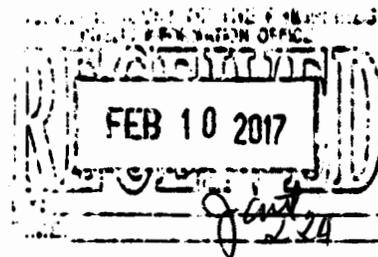




Republic of the Philippines  
**Supreme Court**  
 Manila



**FIRST DIVISION**

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

**G.R. No. 212818**

Present:

- versus -

SERENO, *C.J., Chairperson,*  
 LEONARDO-DE CASTRO,  
 DEL CASTILLO,  
 PERLAS-BERNABE, *and*  
 CAGUIOA, *JJ.*

**GREGORIO QUITA alias "GREG",**  
*Accused-Appellant.*

Promulgated:  
**JAN 25 2017**

X-----X

**RESOLUTION**

**DEL CASTILLO, J.:**

This is an appeal from the January 10, 2014 Decision<sup>1</sup> of the Court of Appeals (CA) in CA-G.R. CR-HC No. 04782, the dispositive portion of which reads:

WHEREFORE, in view of the foregoing, the appeal is hereby DENIED for lack of merit. The Decision dated December 1, 2010 rendered by the Regional Trial Court of Parañaque City, Branch 195, in Criminal Case No. 06-0294 is hereby MODIFIED, increasing the amount of civil indemnity ex delicto to ₱75,000.00, moral damages to ₱50,000.00 and exemplary damages to ₱30,000.00.

SO ORDERED.<sup>2</sup>

<sup>1</sup> CA *rollo*, pp. 92-103; penned by Associate Justice Ramon A. Cruz and concurred in by Associate Justices Hakim S. Abdulwahid and Romeo F. Barza.

<sup>2</sup> Id. at 101.

***Factual Antecedents***

The two accused in this case, Gregorio Quita, alias Greg (Gregorio), and Fleno Quita, alias Eddie Boy (Fleno), were indicted for Murder before the Regional Trial Court (RTC) of Parañaque City, in an Information which alleged:

That on or about the 17<sup>th</sup> day of November<sup>1</sup>, 2002, in the City of Parañaque, Philippines, and within the jurisdiction of this Honorable Court, the above-named accused, armed with bladed weapon, conspiring and confederating together and both of them mutually helping and aiding one another, and with treachery and abuse of superior strength, did then and there willfully, unlawfully and feloniously attack, assault and stab one ROBERTO SOLAYAO, thereby inflicting upon the latter mortal wounds which directly caused his death.

CONTRARY TO LAW.<sup>3</sup>

As these accused were not promptly apprehended when the foregoing Information was filed, this case was ordered archived by the RTC. But on January 8, 2007, Gregorio was arrested, hence the case was revived on the said date.

On January 17, 2007, Gregorio, assisted by counsel, was arraigned and entered a negative plea to the charge against him.<sup>4</sup> Pre-trial was held,<sup>5</sup> after which trial on the merits followed.

***Version of the Prosecution***

The case for the prosecution is built upon the testimonies of Paquito Solayao (Paquito) and Dr. Edgardo Vida (Dr. Vida).

Paquito testified that the deceased victim in this case, Roberto Solayao (Roberto), was his eldest son. He claimed that he had known Gregorio and Fleno for about a year prior to the killing of Roberto, because these two were the ones who delivered water in their locality; that on November 17, 2002 at around 8:30 in the evening he was at home at Greenland Street, Better Living Subdivision, Parañaque City having just arrived from work, when his daughter told him that Roberto was having a drinking session nearby; that while on his way to fetch Roberto, he saw three persons fighting; that when he went near the trio he saw Gregorio holding Roberto's hand at the back while Roberto was being stabbed by Fleno; that when he shouted, his son's assailants took to their heels; and that he ran after them, but when the two reached a dark alley he no longer pursued them. He then went back to where Roberto was lying, and with the help of his neighbors,

<sup>3</sup> Records, p. 1.

<sup>4</sup> Id. at 55.

<sup>5</sup> Id. at 76.

brought the stricken Roberto to the hospital. But when they arrived at the hospital the doctor told him that Roberto was already dead. He spent about ₱40,000.00 for Roberto's funeral and burial expenses, but only the expenses amounting to ₱25,000.00 were covered by receipts. Paquito claimed that Roberto's death was very painful to him.

Dr. Vida, former NBI<sup>6</sup> Medico-Legal Officer, testified that he was the one who conducted an autopsy on Roberto's cadaver. His findings were embodied in the Autopsy Report,<sup>7</sup> wherein he affirmed that the victim sustained six contused abrasions, three incised wounds, and six stab wounds. According to this witness, the most fatal wound, labeled Wound No. 1, was the one inflicted at the deceased's right shoulder (or deltoid area) which penetrated the large vessels of the axillary artery. Without this Wound No. 1, the victim might have survived as the other wounds were only superficial. Dr. Vida opined that the wounds inflicted on the deceased could have been inflicted by one and the same weapon, possibly a double-bladed instrument.

### *Version of the Defense*

The defense presented Gregorio and his wife Analyn Quita (Analyn).

Gregorio made a total denial of the charge against him. He denied that he had ever known the victim or met him even once. He claimed that prior to the incident in question he was residing at No. 10 SMI Compound, Sucat, Kupang, Muntinlupa City; that he used to work as a truck driver for Leslie Corporation but that on the date of the incident, November 17, 2002, he was no longer employed with Leslie, and was looking for a job; that it was only in December 2002 that he was able to find a job as a driver for a trucking company, the name of which he could no longer remember; that he worked for this trucking company until 2004; that his job was to deliver cup noodles in Metro Manila and in the provinces; that he was assisted in this job by a "*pahinante*" named Danilo; that on the date of the incident, he left their house at 10:30 in the morning and together with his brother, Fleno, went to Better Living Subdivision in Parañaque City where their "*kababayans*" Gerry Virtudazo (Gerry) and Jose Virtudazo (Jose) were working as water delivery boys; and, that when they got to that subdivision, Gerry and Jose invited them to a birthday celebration. He heard that the birthday celebrant was the child of the owner of the house where the celebration was taking place. But he was not introduced, either to the birthday celebrant, or to the owner of the house. After they had eaten and had partaken of liquor, they sang songs inside the house of the birthday celebrant. While they were singing, four men, not one of whom he knew, arrived. One of these four, he later heard, was named "Berto". After these four had finished eating, they went outside the house. At this point, the owner of

<sup>6</sup> National Bureau of Investigation.

<sup>7</sup> Exhibit "D," records, p. 240.



the house told his group that this “Berto” was angry with them. To avoid trouble, he and his companions decided to leave the place of celebration at around 4 p.m. Not far away from the celebrant’s house, however, he and his companions saw “Berto’s” group waiting for them along the road. A fight erupted, and someone gave him a blow at the right side of his face. Fortunately, the residents of the place were able to pacify the protagonists. He and his companions then left the place on board a tricycle. He reached his house at Sucat, Kupang, Muntinlupa City between 6:30 to 7 p.m. and told his wife about the incident that happened that day; his wife advised him not to go to that place anymore. In 2004 he transferred his family to Paliparan 3, Dasmariñas City in Cavite, where his parents had a piece of land. Here, he found work as a tricycle driver. Sometime in the early part of January 2007, while driving his tricycle, someone told him to go to Parañaque City because a warrant for his arrest was waiting for him there. He went with that person to Parañaque City because he knew he did not commit any crime. But when he got there, he was at once brought to the Special Investigation Division at the Parañaque Coastal Area, where he was told to sign a blank piece of paper, which, according to the person who brought him there, meant that he had killed somebody from the Better Living Subdivision in Parañaque City. After signing the blank piece of paper he was detained in jail and was told that if he believed he was innocent of the accusation against him, he should prove his innocence in court. He said that he was never brought to the prosecutor’s office in Parañaque City. He insisted that there was never a time that he left Kupang, Muntinlupa City from November 17, 2002 up to the time he transferred to Dasmariñas City in Cavite in 2004. He claimed that at the time of the incident, the other accused, his brother Fleno, was residing at Bicutan in Taguig City, and that Fleno left Bicutan only in 2003.

Analyn corroborated her husband’s testimony in its entirety.

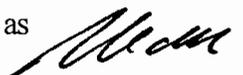
### ***Ruling of the Regional Trial Court***<sup>8</sup>

The RTC sustained the factuality of the treacherous killing of Roberto, labeling it as murder, viz.:

The fact of death of the victim was duly established by his death certificate (exhibit “C”). Accused Gregorio was one of those who killed the victim. The killing was qualified by treachery. Obviously, the killing was neither parricide nor infanticide.

This Court finds Paquito Solayao’s eyewitness account of the incident worthy of belief. His positive, straightforward, categorical[,] and unequivocal testimony that accused Gregorio held both hands of the victim at the back while being stabbed by his co-accused Fleno who is his brother, deserves full credence. It is worthy of note that Paquito was not shown to have been impelled by ill motive to testify falsely against both accused and indict them for a crime as

<sup>8</sup> Branch 195, Parañaque City, penned by Aida Estrella Macapagal.



serious as murder. All that was shown was his ardent desire to give justice to his murdered son. When there is no showing of any improper motive on the part of the prosecution witnesses to testify falsely against the accused, the logical conclusion is that no such improper motive exists and that their positive and categorical testimonies and declarations on the witness stand under the solemnity of an oath are worthy of full faith and credence (*Buenaventura vs. People*, 493 SCRA 223; *People vs. Cabbab, Jr.*, 527 SCRA 589). In the instant case, absent any evidence of improper motive on Paquito's part to testify as principal witness, his testimony deserves credit (*Nerpito vs. People*, 528 SCRA 93).

Paquito's testimony that both hands of the victim were held at the back by accused Gregorio while being stabbed by accused Fleno shows the presence of treachery because under such situation the victim was deprived of any real chance to fight back and defend himself. In the cases of *People vs. Pascual*, 512 SCRA and *People vs. Concepcion*, 514 SCRA 660,<sup>9</sup> the Supreme Court held that treachery is present when the offender commits any crime against persons employing means, methods, or form in the execution thereof which tend directly and especially to insure its execution without risk to the offender arising from any defense which the offended party might make. In the instant case, holding the hands of the victim while being stabbed was the means employed by the accused to insure that the former could not fight back and defend himself.

The defense of denial interposed by accused Gregorio, on the other hand, cannot prevail over Paquito's positive, direct[,] and categorical declarations made in a straightforward manner while in the witness stand that he held both hands of the victim while being stabbed by his brother, accused Fleno. It must be noted that aside from his self[-]serving testimony that on the date in question, he just stayed home after coming from Better Living, Parañaque City where he attended a birthday party and that when they left the house of the birthday celebrant, the group of Berto waited for them on the road and that when they passed in front of them he was allegedly punched by one of Berto's companions, no other clear and convincing evidence was presented to substantiate the same. His "kababayans", Jose and Gerry Vertudas, were not even presented to establish at least the fact that he indeed was with them from 10:30 in the morning up to 4:00 in the afternoon of November 17, 2002. Neither was his testimony that he was employed as a truck driver with Leslie Corporation prior to the date in question nor that he was employed as delivery boy (driver) of a certain company from December 2002 up to 2004 was duly established. His alleged pahinante, Danilo, was not presented to corroborate such testimony. Even the tricycle driver, who[,] according to his wife Analyn, was the one who informed her that he was arrested while driving his tricycle in Dasmariñas, Cavite, was not presented to corroborate this testimony.

The Supreme Court, in a long line of cases, ruled that evidence[,] to be believed[,] must not only proceed from the mouth of a credible witness but x x x must [also] be credible in itself[,] such as the common experience and observation of mankind can approve as probable under the circumstances. Unfortunately, the evidence presented by the accused did not pass this test.<sup>9</sup>

Upon these facts, the RTC disposed as follows:



<sup>9</sup> Records, pp. 335-336.

WHEREFORE, this Court finds accused Gregorio Quita, GUILTY BEYOND REASONABLE DOUBT of the crime of murder and hereby sentences him to suffer the penalty of reclusion perpetua which carries with it the accessory penalties of civil interdiction for life and that of perpetual absolute disqualification which he shall suffer even though pardoned unless the same shall have been expressly remitted therein.

Accused Gregorio Quita is likewise ordered to pay the heirs of the victim the amounts of Fifteen Thousand Pesos (₱15,000.00) as actual damages; Fifty Thousand Pesos (₱50,000.00) as civil indemnity ex delicto; Forty Thousand Pesos (₱40,000.00) as moral damages; and Twenty Thousand Pesos (₱20,000.00) as exemplary damages.

The City Jail Warden of Parañaque City is hereby ordered to transfer said accused to the National Penitentiary in Muntinlupa City, immediately upon receipt of this Decision.

As regards accused Fleno Quita, this case shall remain in archive. The alias warrant of arrest issued against him stays.

SO ORDERED.<sup>10</sup>

### ***Ruling of the Court of Appeals***

From this judgment, Gregorio interposed an appeal to the CA anchored on a single assignment of error to wit:

THE TRIAL COURT GRAVELY ERRED IN FINDING THE ACCUSED-APPELLANT GUILTY OF THE CRIME CHARGED DESPITE THE PROSECUTION'S FAILURE TO ESTABLISH HIS GUILT BEYOND REASONABLE DOUBT.<sup>11</sup>

But the CA predictably sustained the RTC's factual underpinnings of the case, thus:

Paquito Solayao, the victim's father who was an eyewitness to the incident, positively identified Accused-Appellant Gregorio Quita to be the person who held the hands of the victim while the other accused Fleno Quita stabbed the victim. He knew the two accused because they were water delivery boys in the water station three streets away from their place. He saw the accused in the water delivery station one month before and also one week before the incident happened [on] November 17, 2002. The faces of the accused had become familiar to the witness that it is believable for him to recognize them when he saw them ganging up on his son that fateful night. The incident happened in the middle of the street in front of a lamp post so that the witness, who was but five (5) meters away, clearly saw Gregorio Quita holding both the hands of his son, who was struggling, at the back while Fleno Quita stabbed his son.

<sup>10</sup> Id. at 336-337

<sup>11</sup> CA rollo, p. 47.



The positive identification of an accused where categorical and consistent, without any showing of ill motive on the part of the eyewitness testifying, should prevail over the alibi and denial of appellant whose testimony was not substantiated by clear and convincing evidence.

Accused-appellant failed to show any ill motive on the part of the eyewitness to falsely accuse him of the crime. He tried to discredit the eyewitness's testimony because he was the victim's father but the same would not hold.

By and large, relationship by itself does not give rise to a presumption of bias or ulterior motive, nor does it *ipso facto* diminish the credibility or tarnish the testimony of a witness. On the contrary, a witness' relationship to a victim of a crime would even make his or her testimony more credible as it would be unnatural for a relative who is interested in vindicating the crime to accuse somebody other than the culprit. The natural interest of witnesses, who are relatives of the victim, in securing the conviction of the guilty would actually deter them from implicating persons other than the true culprits.

Furthermore, Paquito Solayao's eyewitness account of the incident was steadfast and unequivocal, viz.:

X X X

Pros. Robles

Q Now, what happened Mr. Witness when you left your house and immediately proceeded to fetch your son Roberto?

Witness

A When I went out of my house and I was in the middle of the street of Annex 40, I saw three (3) persons having a fight, ma'am.

Q When you saw these three persons having a fight, Mr. Witness, how far were you from them?

A More or less ten (10) meters, ma'am.

Q What did you do, Mr. Witness, upon seeing that there are three persons along Annex 40 who are having a fight?

A I walked faster to know who they were.

Q What happened next after that, Mr. Witness?

A I saw Gregorio Quita holding the hand of my son while being stabbed by the other accused Fleno Quita alias Eddie Boy.

Q And at the time, Mr. Witness, that you saw the incident, how far were you from them?

A More or less five (5) meters, ma'am.

X X X

Q Are you sure, Mr. Witness, at that time that it was the two accused who stabbed and held the hand of your son?

A Yes, ma'am.

Q And what made you so sure of that, Mr. Witness?

A Because in that area the two accused deliver water in Annex 22 and in Annex 40.

x x x

**His positive, straightforward[,] and unequivocal manner of recounting what he witnessed on the date of the incident led the trial court to find his testimony to be worthy of belief. The rule is that findings of the trial court on the credibility of witnesses deserve great weight, given the clear advantage of a trial judge in the appreciation of testimonial evidence. The trial court is in the best position to assess the credibility of witnesses because of [its] unique opportunity to observe the witnesses first hand and to note their demeanor, conduct and attitude under grueling examination. These are significant factors in evaluating the sincerity of witnesses in the process of unearthing the truth. Thus, except for compelling reasons, We are doctrinally bound by the trial court's assessment of the credibility of witnesses.**

**The testimony of the witness that the assailant was in front of the victim when he was stabbed was corroborated by the testimony of the medico-legal officer who conducted the autopsy on the victim that since the wounds were located anteriorly, it is possible for the assailant to inflict the fatal wound in front of the victim, although he did not discount the fact that the assailant could be at the back of the victim holding [his] body x x x.**

**And, because of the positive identification of the accused-appellant, his alibi deserved scant consideration.** For alibi to prosper, it is not enough for the accused to prove that he was somewhere else when the crime was committed. He must likewise prove that he could not have been physically present at the scene of the crime or its immediate vicinity at the time of its commission.

Accused-appellant recounted that on the date of the incident, he attended a birthday party in Annex 22, Better Living, Parañaque City, which is where the victim also had a drinking spree. While he claimed that he arrived home in Sucat, Muntinlupa at around 6:30 to 7:00 in the evening, it does not discount the possibility that he was at the scene of the crime in Better Living, Parañaque City at around 8:30 in the evening of the same day, especially so when he narrated in his testimony an account of an altercation with a group led by a certain "Berto" which happened in the street near Annex 22 where the birthday party was held.

With respect to the alleged delay in indicting accused-appellant, Paquito Solayao explained that he filed a complaint in 2002 against the siblings Gregorio Quita and Fleno Quita but when he learned that the accused escaped, he did not pursue the case anymore. When he learned later on that the suspects were already in Manila, he decided to pursue the case again by giving a statement on January 23, 2006.

The Information charged accused-appellant, in conspiracy with Fleno Quita, with the crime of Murder, qualified by treachery and abuse of superior strength.

The elements of murder that the prosecution must establish are (1) that a person was killed; (2) that the accused killed him; (3) that the killing was attended by any of the qualifying circumstances mentioned in Article 248 of the Revised Penal Code (RPC); and (4) that the killing is not parricide or infanticide.



**The fact of death was duly established by the death certificate of the victim Roberto Solayao as well as the autopsy report prepared by Dr. Edgardo Vida indicating that the fatal stab wound inflicted on the victim's right shoulder caused his death.**

**There is treachery when 'the offender commits any of the crimes against persons, employing means, methods, or forms in the execution, which tend directly and specially to insure its execution, without risk to the offender arising from the defense which the offended party might make.' These means or methods are made in the form of a swift, deliberate and unexpected attack, without any warning and affording the victim, which is usually unarmed and unsuspecting, no chance at all to resist or escape the impending attack.**

**Holding the hands of the victim to his back while he was being stabbed rendered him defenseless against the perpetrators thereby insuring the execution of the crime without risk to the offenders of any defense that the victim might make.**

The Information likewise alleged conspiracy between Gregorio Quita and Fleno Quita in committing the crime. There is conspiracy when two or more persons come to an agreement concerning the commission of a felony and decide to commit it. Actions indicating close personal association and shared sentiment among the accused can prove its presence. Proof that the perpetrators met beforehand and decided to commit the crime is not necessary as long as their acts manifest a common design and oneness of purpose.

Although Paquito Solayao testified that it was Fleno Quita whom he saw stab the victim, the act of Gregorio Quita in holding the hands of the victim while he was being stabbed by Fleno Quita showed a common design and oneness of purpose to inflict harm upon the victim. Hence, the basic principle of conspiracy that 'the act of one is the act of all' applies in this case.

**By reason of the foregoing, the prosecution has sufficiently established, beyond reasonable doubt, accused-appellant's culpability. His conviction of the crime of murder, therefore, must be upheld.<sup>12</sup> (Emphasis supplied)**

But the CA modified Gregorio's civil liability to reflect the recent jurisprudential teaching. The CA thereafter disposed as follows:

WHEREFORE, in view of the foregoing, the appeal is hereby DENIED for lack of merit. The Decision dated December 1, 2010 rendered by the Regional Trial Court of Parañaque City, Branch 195, in Criminal Case No. 06-0294 is hereby MODIFIED, increasing the amount of civil indemnity *ex delicto* to ₱75,000.00, moral damages to ₱50,000.00 and exemplary damages to ₱30,000.00.

SO ORDERED.<sup>13</sup> 

<sup>12</sup> Id. at 97-101.

<sup>13</sup> Id. at 101.

In a Resolution<sup>14</sup> dated July 28, 2014, both parties were required to simultaneously file their respective supplemental briefs. However, both filed Manifestations<sup>15</sup> stating that the filing of a supplemental brief is no longer necessary because they have already exhaustively discussed all issues.

### Our Ruling

Gregorio's appeal before this Court is predicated essentially upon the self-same lone assignment of error set forth in his Brief with the CA. Since the factual findings by the CA are binding upon this Court, especially when the CA's findings unite with the RTC's factual findings, as in this case, this Court is not at liberty to reject or disturb the factual findings of both lower courts. Indeed, this Court is satisfied that the factual findings of both lower courts are in accord with the evidence on record. However, with reference to the civil liability, the same must be modified to conform strictly to the teachings of recent jurisprudence. Thus, the award of ₱15,000.00 as actual damages is deleted and in lieu thereof, temperate damages in the amount of ₱50,000.00 is awarded; the awards of moral damages and exemplary damages are increased to ₱75,000.00 each; and the award of ₱75,000.00 as civil indemnity is maintained. Finally, all damages shall earn interest at the rate of 6% *per annum* from the date of finality of this judgment until fully paid.<sup>16</sup>

**WHEREFORE**, the appeal is **DISMISSED** for lack of merit. The January 10, 2014 Decision of the Court of Appeals in CA-G.R. CR-HC No. 04782 finding appellant Gregorio Quita alias "Greg" guilty of murder and sentencing him to suffer the penalty of *reclusion perpetua* is **AFFIRMED with MODIFICATIONS** that he is ordered to pay the heirs of Roberto Solayao ₱75,000.00 as civil indemnity, ₱75,000.00 as moral damages, ₱75,000.00 as exemplary damages, and ₱50,000.00 as temperate damages, all with legal interest of 6% *per annum* from date of finality of this Resolution until full payment.

**SO ORDERED.**

  
**MARIANO C. DEL CASTILLO**  
*Associate Justice*

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<sup>14</sup> *Rollo*, pp. 19-20.

<sup>15</sup> *Id.* at 21-33.

<sup>16</sup> See *People v. Jugueta*, G.R. No. 202124, April 5, 2016.

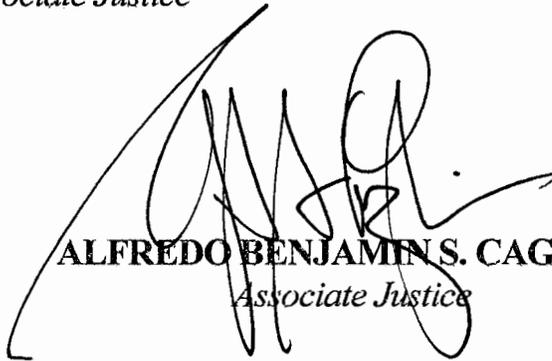
WE CONCUR:



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

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

*Estela M. Perlas-Bernabe*  
**ESTELA M. PERLAS-BERNABE**  
*Associate Justice*



**ALFREDO BENJAMIN S. CAGUIOA**  
*Associate Justice*

**CERTIFICATION**

Pursuant to Section 13, Article VIII of the Constitution, I certify that the conclusions in the above Resolution 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*

