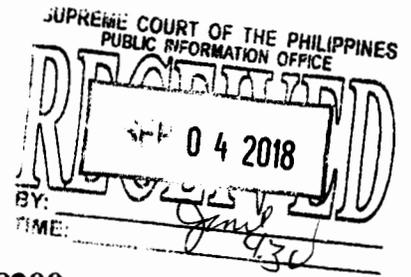




Republic of the Philippines  
**Supreme Court**  
 Manila

**FIRST DIVISION**



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

**G.R. No. 218200**

- versus -

Present:

**JEFFREY COLLAMAT a.k.a. "Ric-Ric", JIMBO SALADAGA and RONILO RONDINA,**  
*Accused,*

PERALTA, *Acting Chairperson,\**  
 BERSAMIN,\*\*  
 DEL CASTILLO,  
 TIJAM, *and*  
 GESMUNDO,\*\*\* *JJ.*

**JEFFREY COLLAMAT a.k.a. "Ric-Ric",**  
*Accused-Appellant.*

Promulgated:  
**AUG 15 2018**

X ----- 

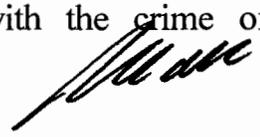
**DECISION**

**DEL CASTILLO, J.:**

Assailed in this appeal is the December 12, 2014 Decision<sup>1</sup> of the Court of Appeals (CA) in CA-G.R. CEB C.R.-H.C. No. 01674 which affirmed with modification the July 3, 2012 Judgment<sup>2</sup> of the Regional Trial Court (RTC), Branch 28, Mandaue City, finding appellant Jeffrey Collamat guilty beyond reasonable doubt of the crime of murder.

***The Antecedent Facts***

Appellant, together with his co-accused, Jimbo Saladaga (Jimbo) and Ronilo Rondina (Ronilo), was charged with the crime of murder in an Information<sup>3</sup> dated May 10, 2002 which reads:



\* Designated Acting Chairperson per Special Order No. 2582 (Revised) dated August 8, 2018.

\*\* Per October 9, 2017 raffle vice J. Jardeleza who recused due to prior action as Solicitor General.

\*\*\* Designated Acting Member per Special Order No. 2560 dated May 11, 2018.

<sup>1</sup> *Rollo*, pp. 4-12; penned by Associate Justice Ramon Paul L. Hernando and concurred in by Associate Justices Ma. Luisa C. Quijano-Padilla and Marie Christine Azcarraga-Jacob.

<sup>2</sup> Records, pp. 182-188; penned by Acting Presiding Judge Raphael B. Yrastorza, Sr.

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

That on or about the 13<sup>th</sup> day of January, 2002, at about 6:30 o'clock in the evening, at Sitio Simborio, Barangay Tayud, Municipality of Liloan, Province of Cebu, Philippines, and within the jurisdiction of this Honorable Court, the above-named accused, conspiring, confederating and mutually helping one another, with deliberate intent to kill, with treachery and evident premeditation, did then and there willfully, unlawfully and feloniously attack, assault and stab Esmeraldo Gelido with the used [sic] of an ice pick, thereby [inflicting] upon the victim the following, to wit: "hemorrhage, acute, severe, secondary to multiple punctures [sic] wounds (R) and (L) clavicular [sic] areas, and (R) chest," which caused the instantaneous death of the victim.

CONTRARY TO LAW.

During his arraignment on July 5, 2002, appellant entered a plea of not guilty.<sup>4</sup> Trial thereafter ensued.

### *Version of the Prosecution*

The prosecution's version of the incident is as follows:

On January 13, 2002, at around 4:00 p.m., Benido Jumao-as (Benido) and the victim were having a drinking spree at Analyn's Store in Simborio, Liloan, Cebu, when Benido accidentally spilled a glass of beer on appellant's table. At the time, appellant, too, was drinking with Jimbo, Ronilo, and several others.<sup>5</sup>

The incident unfortunately resulted in a fistfight between the two parties. It was Ramon Judaya (Ramon) who interfered and pacified both sides, even offering a bottle of beer to appellant's group as a gesture of goodwill.<sup>6</sup>

At around 6:30 p.m., Benido and the victim left Analyn's Store. Benido even said farewell to appellant's group. While they were walking along the national highway, Benido saw the victim being attacked by four persons whom he identified later as the group he had an altercation with earlier that day at Analyn's Store. He saw the victim held in place on the right side by appellant, and on the left by Ronilo, while an unidentified person held the victim's feet. Thereafter, he witnessed Jimbo stab the victim with an ice pick. Fearing for his life, Benido immediately ran away and sought shelter at Ramon's house.<sup>7</sup>

The following day, Dr. Jesus Cerna performed an autopsy on the victim's body. Based on the post-mortem report, the victim sustained five stab wounds,

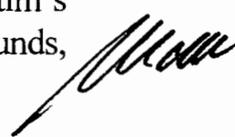
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<sup>4</sup> See Order dated July 5, 2009, id. at 40; issued by Judge Marilyn Lagura-Yap.

<sup>5</sup> CA *rollo*, p. 73.

<sup>6</sup> Id.

<sup>7</sup> Id.



and the immediate cause of death was massive hemorrhage secondary to multiple punctured wounds on the right chest, and right and left clavicular areas.<sup>8</sup>

### *Version of the Defense*

Appellant denied taking part in the victim's killing. He testified that:

x x x [On January 13, 2002,] at around 3:00 o'clock in the afternoon[,] they were singing at the [v]ideoke in Analyn['s] Store situated at Simborio, Tayud, Liloan, Cebu; his companions were Ronilo Rondina, Benjie Marianito, Junry Collamat, Armando Solitano, [and] Elmo Dela Peña; they arrived at the store at around 3:00 o'clock in the afternoon; there were other customers in the store; they finished drinking at around 7:00 o'clock in the evening; they consumed 1½ cases of beer grande; Benido Jumao-as arrived at the store at around 3:30 o'clock with Esmeraldo; both were drinking redhorse beer; later[,] there was a verbal altercation between Benjie Marianito and Benido after the latter happened to topple the former's glass on the table and he tried to appease them; shortly thereafter[,] Ramon Judaya arrived and patched up Benjie and Benido; both group[s] continued singing and drinking; he left at around 7:00 o'clock; he was the last to leave the store; he went to [his] cousin['s] in Opao, Mandaue City and stayed for the night; in the morning[,] he was arrested for being the suspect of a killing in Simborio.<sup>9</sup>

### *Ruling of the Regional Trial Court*

In its Judgment dated July 3, 2012, the RTC found appellant guilty beyond reasonable doubt of the crime of murder under Article 248 of the Revised Penal Code.<sup>10</sup>

The RTC gave full faith and credence to Benido's positive and straightforward testimony, and rejected appellant's defense of denial.<sup>11</sup> It also held that the victim's killing was attended by the qualifying circumstance of treachery, viz.:

Treachery was clearly shown by the testimony of Benido who stated that: At around 6:30 o'clock in the evening, he left the store followed by the victim. Accused Jimbo and Jeffrey in fact said, "*Sige bay[,] sunod lang mi ninyo*" (OK bay, we'll just follow you.) x x x That they never noticed accused were behind them. What he noticed then was when accused put their arms on the shoulder of the victim. The victim was already down when Ramon came back[,] which showed the suddenness of the attack "depriving the victim of any chance to defend himself.[]" The accused Jimbo put his arm around the victim to ensure

<sup>8</sup> Id. See also TSN, July 2, 2003, pp. 4-7.

<sup>9</sup> Id. at 27.

<sup>10</sup> Records, p. 188.

<sup>11</sup> Id. at 186.

a means of perpetrating the killing of which the victim was not able to [wrest] away from his hold.<sup>12</sup>

Accordingly, the RTC sentenced appellant to suffer the penalty of *reclusion perpetua*. It likewise ordered appellant to pay the heirs of the victim: ₱50,000.00 as moral damages and ₱25,000.00 as temperate damages.<sup>13</sup>

Appellant thereafter appealed the RTC Judgment before the CA.

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

In its Decision dated December 12, 2014, the CA affirmed the RTC Judgment with modification in that, the appellate court directed appellant to pay the heirs of the victim ₱30,000.00 as exemplary damages, in addition to the damages awarded by the RTC.<sup>14</sup>

The CA ruled that appellant was clearly identified as one of the perpetrators of the crime.<sup>15</sup> It noted that:

Here, prior to the stabbing of the victim, the assailants' group and that of the victim's group were all drinking and singing [at] Analyn's Videoke Store. Both groups had an altercation but were pacified. The group of appellant was even offered a round of beer just to appease them which they willingly accepted. It should be pointed out that the two groups started their beer drinking around three o'clock in the afternoon and ended about past six o'clock. Thus, there was an interval of about three hours prior to the stabbing incident. In our firm view, the time interval was sufficient for the eyewitness to recognize appellant's group as among the persons who followed them from the store. It should be emphasized that Benido even bid the other group good-bye when he and the victim left the store ahead of the appellant's group.<sup>16</sup>

The CA further held that Benido's positive identification of appellant as one of the victim's assailants was bolstered by his detailed account of how the crime was carried out and appellant's exact participation in it.<sup>17</sup>

Moreover, the CA found that the victim's stabbing was attended by the qualifying circumstance of treachery, as "the manner of the execution of the crime



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<sup>12</sup> Id. at 186-187. Italics supplied.

<sup>13</sup> Id. at 188.

<sup>14</sup> *Rollo*, p. 12.

<sup>15</sup> Id. at 10.

<sup>16</sup> Id.

<sup>17</sup> Id.

clearly reflects that its commission was made in a manner that would afford no opportunity for the victim to escape or retaliate.”<sup>18</sup>

Aggrieved, appellant filed the present appeal.

### The Issues

Appellant raises the following issues for the Court’s resolution:

*First*, whether the identity of appellant as one of the perpetrators of the crime was proven beyond reasonable doubt;<sup>19</sup>

And *second*, whether the victim’s stabbing was attended by the qualifying circumstance of treachery.<sup>20</sup>

### The Court’s Ruling

The appeal is unmeritorious.

In cases where the issue rests on the credibility of witnesses, as in this case, it is important to emphasize the well-settled rule that “appellate courts accord the highest respect to the assessment made by the trial court because of the trial judge’s unique opportunity to observe the witnesses firsthand and to note their demeanor, conduct and attitude under grueling examination.”<sup>21</sup>

We explained in *Reyes, Jr. v. Court of Appeals*<sup>22</sup> that the findings of the trial court will not be overturned absent any clear showing that it had *overlooked*, *misunderstood* or *misapplied* some facts or circumstances of weight or substance that could have altered the outcome of the case, *viz.*:

Also, the issue hinges on credibility of witnesses. We have consistently adhered to the rule that **where the culpability or innocence of an accused would hinge on the issue of credibility of witnesses and the veracity of their testimonies, findings of the trial court are given the highest degree of respect.** These findings will not be ordinarily disturbed by an appellate court absent any clear showing that the trial court has overlooked, misunderstood or misapplied some facts or circumstances of weight or substance which could very well affect the outcome of the case. It is the trial court that had the opportunity to

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<sup>18</sup> Id. at 11.

<sup>19</sup> CA *rollo*, pp. 29-30.

<sup>20</sup> Id. at 31-32.

<sup>21</sup> *People v. Aquino*, 396 Phil. 303, 306-307 (2000).

<sup>22</sup> 424 Phil. 829 (2002).



observe 'the witnesses' manner of testifying, their furtive glances, calmness, sighs or their scant or full realization of their oaths.' It had the better opportunity to observe the witnesses firsthand and note their demeanor, conduct and attitude under grueling examination. Inconsistencies or contradictions in the testimony of the victim do not affect the veracity of the testimony if the inconsistencies do not pertain to material points.<sup>23</sup> (Emphasis supplied)

After a thorough review of the records, we find no reason to overturn the findings of the RTC, as affirmed by the CA, since it was not shown that the lower courts had overlooked facts or circumstances of weight that could have affected the result of the case.

In fact, per the records, it appears that Benido *never wavered* in his positive identification of appellant as one of the perpetrators of the victim's stabbing. For clarity and precision, we quote the pertinent portion of his direct testimony below:

[PROS. RAMON O. CARISMA:]

Q: Let's go back to the point where you happened to spill somebody else's glass and where you said a fistfight ensued. Do you know these persons?

A: Yes.

Q: How many persons were there?

A: There were many of them but I know only 4 in that group.

Q: Of the four, do you see all or some of them inside the courtroom?

A: Yes.

Q: Will you please point to these persons inside the courtroom?

A: Jimbo...

Q: Will you please approach them?

COURT INTERPRETER:

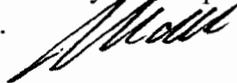
Witness, after coming down from the witness stand, pointed to the persons of Jimbo Saladaga and Jeffrey Collamat, who, after being asked their names, answered their names to be so.<sup>24</sup>

x x x x

PROS. CARISMA:

Q: Who stabbed your companion?

A: Jimbo.



<sup>23</sup> Id. at 836.

<sup>24</sup> TSN, January 15, 2003, pp. 5-6.

- Q: What were the others doing?  
A: They were holding the victim.<sup>25</sup>

x x x x

- Q: And the three others who held your companion, whom you said earlier was Esmeraldo, is one among these three persons inside the courtroom?  
A: **Yes, Jeffrey Collamat.**<sup>26</sup>

Even during his grueling cross-examination, Benido remained steadfast in his positive identification of appellant, viz.:

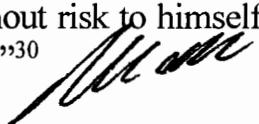
[ATTY. GIA RODRIGUEZ:]

- Q: Is it not possible that you were mistaken when you claimed that the group of the accused was the one who stabbed your companion with an icepick[,] considering that it was dark?  
A: No.  
Q: Why are you so certain?  
A: **Because I clearly saw them.**<sup>27</sup>

In light of appellant's positive identification as one of the victim's assailants, his defenses of alibi and denial must necessarily fail.<sup>28</sup> After all, it is settled that "alibi and denial are inherently weak defenses and 'must be brushed aside when the prosecution has sufficiently and positively ascertained the identity of the accused',"<sup>29</sup> as in this case.

As regards the issue on the presence of the qualifying circumstance of treachery, we agree with the CA's conclusion that the victim's stabbing was carried out in such a way that afforded the victim no opportunity to escape or retaliate.

"There is treachery when the offender employs means, methods or forms in the execution of any of the crimes against persons that tend directly and especially to ensure its execution without risk to himself arising from the defense which the offended party might make."<sup>30</sup>



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<sup>25</sup> Id. at 6.

<sup>26</sup> Id. at 7. Emphasis supplied.

<sup>27</sup> TSN, January 29, 2003, p.16.

<sup>28</sup> See *S/Sgt. Vergara v. People*, 425 Phil. 124, 138 (2002).

<sup>29</sup> *People v. Clemeno*, G.R. No. 215202, March 14, 2018.

<sup>30</sup> *People v. Alajay*, 456 Phil. 83, 92 (2003).

In this case, appellant and two others *held the victim in place*,<sup>31</sup> while Jimbo delivered the stabbing thrusts on the victim's body.<sup>32</sup> And of the five punctured wounds sustained by the victim, three were fatal – the victim's left and right lungs, as well as his thoracic cavity, were punctured during the stabbing incident.<sup>33</sup>

Clearly, the victim's stabbing was attended by treachery, considering that (a) the means of execution of the attack gave the victim *no opportunity to defend himself* or to retaliate; and (b) said means of execution was *deliberately* adopted by appellant and his co-accused.<sup>34</sup>

Given these circumstances, we find no cogent reason to overturn the factual findings and conclusions of the lower courts, as they are supported by the evidence on record and applicable laws.

However, we deem it appropriate to *award* ₱75,000.00 as civil indemnity and *increase* the amounts of moral and exemplary damages to ₱75,000.00 each and temperate damages to ₱50,000.00 in conformity with prevailing jurisprudence.<sup>35</sup> In addition, interest at the rate of 6% *per annum* is imposed on all damages awarded from date of finality of this Decision until full payment.

**WHEREFORE**, the appeal is **DISMISSED**. The December 12, 2014 Decision of the Court of Appeals in CA-G.R. CEB C.R.-H.C. No. 01674 is hereby **AFFIRMED with MODIFICATIONS** in that:

(a) Appellant Jeffrey Collamat a.k.a. "Ric-Ric" is ordered to pay the heirs of the victim ₱75,000.00 as civil indemnity;

(b) The awards of moral and exemplary damages are increased to ₱75,000.00 each;

(c) The award of temperate damages is increased to ₱50,000.00; and,

(d) All damages awarded shall earn interest at the rate of 6% *per annum* from finality of this Decision until fully paid.



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<sup>31</sup> TSN, January 15, 2003, p. 6.

<sup>32</sup> Id.

<sup>33</sup> TSN, July 2, 2003, pp. 4-5.

<sup>34</sup> See *People v. Alajay*, supra note 30.

<sup>35</sup> *People v. Jugueta*, 783 Phil. 806, 846-848 (2016).

**SO ORDERED.**

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

WE CONCUR:

  
**DIOSDADO M. PERALTA**  
*Associate Justice*  
*Acting Chairperson*

  
**LUCAS P. BERSAMIN**  
*Associate Justice*

  
**NOEL GIMENEZ TIJAM**  
*Associate Justice*

  
**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.

  
**DIOSDADO M. PERALTA**  
*Associate Justice*  
*Acting Chairperson*

**CERTIFICATION**

Pursuant to Section 13, Article VIII of the Constitution and the Division Acting 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.



**ANTONIO T. CARPIO**

*Senior Associate Justice*

*(Per Section 12, Republic Act No. 292,  
The Judiciary Act of 1948, as amended)*

