



Republic of the Philippines  
**Supreme Court**  
 Manila

**SECOND DIVISION**

**PEOPLE OF THE PHILIPPINES,** **G.R. No. 258925**  
 Plaintiff-Appellee, Present:

— versus —

LEONEN, M.V.,<sup>\*</sup> *S.A.J.*,  
*Chairperson,*  
 LAZARO-JAVIER, A.,<sup>\*\*</sup>  
*Acting Chairperson,*  
 LOPEZ, M.,  
 LOPEZ, J., *and*  
 KHO, A., *JJ.*

MARK JOHN MAANTOS *y*  
 VELASCO @ “JOHN  
 SKULL,” RYAN ARINGGO *y*  
 LEGARIA (deceased),  
 JORROS BINI *y* HIPOLAN,  
 ALMA CAÑETE *y* PONSICA  
 (at large), APRIL JOHN  
 TABURADA *y* SUBARIA (at  
 large), CEDRIC MIRO *y*  
 SARABIA (at large),  
 Accused,

MARK JOHN MAANTOS *y*  
 VELASCO @ “JOHN  
 SKULL” and JORROS BINI  
*y* HIPOLAN,  
 Accused-Appellants.

Promulgated:

JUL 12 2023

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**DECISION**

**M. LOPEZ, J.:**

Accused-appellant Mark John Maantos *y* Velasco @ “John Skull’s” (Maantos) reputation as a gang leader precedes him. Yet, the Court will not

\* On official business.

\*\* Per Special Order No. 2999 dated July 10, 2023

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allow such notoriety to cloud our judgment. Certainly, our role in the justice system is not so much to penalize offenders as to see to it that justice is done.<sup>1</sup>

This resolves the appeal filed by Maantos and Jorros Bini y Hipolan (Bini) assailing the Decision<sup>2</sup> dated March 11, 2021 of the Court of Appeals-Cebu City (CA) in CA-G.R. CR-HC No. 02433 which affirmed the trial court's judgment in Criminal Case No. RTC-5148, finding accused-appellants guilty of murder.

### Antecedents

Following the death of the victim Jaime Boy Cañete y Paspé (Jaime Boy) on July 2, 2013, Maantos and Bini, were charged with murder along with their co-accused Ryan Aringgo y Legaria (Aringgo), Alma Cañete y Ponsica (Cañete), April John Taburada y Subaria (Taburada), and Cedric Miro y Sarabia (Miro). The accusatory portion of the Information<sup>3</sup> filed before the Regional Trial Court of San Carlos City, Negros Occidental, Branch 59 (RTC), reads:

That on or about 4:30 o'clock A.M., July 2, 2013 at Center Mall, Barangay Palampas, San Carlos City, Negros Occidental, Philippines, and within the jurisdiction of this Honorable Court, the above-named accused, conspiring together and helping one another, armed with bladed weapons and empty bottles, with abuse of superior strength and with intent to kill, did, then and there willfully, unlawfully and feloniously attack, assault, and use personal violence upon the person of one JAIME BOY CAÑETE y Paspé, by jointly striking the latter's head with empty bottles and stabbing him on his chest with the use of bladed weapons several times hitting him on the different parts of his body,<sup>4</sup> thereby inflicting upon him physical injuries described as follows:

- (+) 3.0 cm lacerated wound, 2nd intercostal space;
- (+) 2.0 cm lacerated wound, 2nd intercostal space, right;
- (+) 2.5 cm lacerated wound, 4th intercostal space, right;
- (+) 1.0 cm lacerated wound, 3rd intercostal space, Left; Midclavicular area;
- (+) 1.0 cm lacerated wound, chin area left;
- (+) 2.0 cm lacerated wound, midarm, lateral, right;
- (+) 2.0 cm lacerated wound, ear lobe, through and through Left;
- (+) 1.0 cm lacerated wound, superior auricular area, left;

and which injuries caused hypovolemic shock secondary to multiple stabbed wounds, resulting to the instantaneous death of said Jaime Boy Cañete y Paspé, to the damage and prejudice of his heirs.

CONTRARY TO LAW.<sup>4</sup>

<sup>1</sup> *People v. Rodrigo*, 586 Phil. 515, 528 (2008) [Per J. Brion, Second Division].

<sup>2</sup> *CA rollo*, pp. 144-162. Penned by Associate Justice Bautista G. Corpin, Jr. with the concurrence of Associate Justices Gabriel T. Ingles and Roberto P. Quiroz.

<sup>3</sup> *Id.* at 145-146.

<sup>4</sup> *Id.*

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Upon arraignment, Maantos, Aringgo and Bini pleaded “not guilty” to the crime charged.<sup>5</sup> Cañete, Taburada, and Miro remained at-large despite the warrants of arrest issued by the trial court.

During the trial, the prosecution presented Conrado Escala (Escala) and Lorenzo Litua (Litua) as witnesses. In their Joint Affidavit which constitute their direct testimony, Escala and Litua narrated that in the early morning of July 2, 2013, they were celebrating the town’s annual Charter Day with Jay-ar Tanchico, Bimbo Singular, Raddylan Caparida, Alvin Mansueto, and Jaime Boy. They were having a drinking spree at the football grounds in front of Welyn’s Restaurant at Center Mall, Barangay Palampas, San Carlos City. At that time, another group was having their own drinking spree at the opposite side of the football field. Later, a girl from the other group smashed an empty bottle of liquor on the ground in front of them and made a gesture of throwing the bottle at them. Jaime Boy approached the girl and grabbed the bottle from her. The girl was enraged and called out to her male companions, two of whom were armed with ice picks and one with an empty bottle. Sensing danger, Escala and Litua’s group ran away. Some of them raced towards the Baticulan Pumping Station, while the others headed to Hacienda Sta. Ana. As they were heading close to the pumping station, Escala and Litua noticed that Jaime Boy was not with them. They stopped to look for him and saw him on the ground being attacked by the other group near La Riqah Restaurant. However, Escala and Litua had no choice but to run and leave Jaime Boy behind because they were still being chased. Later, they learned that Jaime Boy died due to multiple injuries.<sup>6</sup>

On July 10, 2013, Escala and Litua were summoned to the police station for investigation. After being shown the pictures of the members of the Crips Gang, they positively identified Maantos, Bini, Aringgo, Cañete, Taburada, and Miro as the persons who chased and attacked Jaime Boy on July 2, 2013. Escala and Litua stated that they were familiar with Aringgo and Taburada because they were neighbors. On cross examination, Escala pointed to Maantos as the one who stabbed Jaime Boy, while Litua identified Taburada as the one who stabbed the victim.<sup>7</sup>

Thereafter, the prosecution and the defense agreed to stipulate on the findings of Dr. Maria Fe Leonoras as to the injuries suffered by Jaime Boy. Her testimony was dispensed with after the Postmortem Report was marked and admitted.<sup>8</sup>

After the prosecution’s formal offer of evidence, Aringgo and Bini filed a Demurrer to Evidence with leave of court which was denied in the RTC’s Resolution dated February 16, 2016.<sup>9</sup>

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<sup>5</sup> *Id.* at 50, 55.

<sup>6</sup> *Id.* at 50–51.

<sup>7</sup> *Id.* at 64–65.

<sup>8</sup> *Id.* at 51.

<sup>9</sup> *Id.*

During the continuation of trial, the defense presented Maantos, Bini, and Aringgo, as well as witnesses Daylin Segara (Segara), Jose Gabutero (Gabutero), and May Gonzaga (May).<sup>10</sup>

Maantos recalled that he was within the vicinity of the Center Mall on the date of the incident but clarified that he was not there with the other accused. He denied any involvement in the death of Jaime Boy and was surprised to learn that he was included as one of the suspects. Maantos claimed that he was implicated in the killing because he was a gang leader. He admitted that he and Taburada are both members of the Crips fraternity. As for Aringgo, Maantos only saw him once that night when he passed by the area where the live band was playing. He did not see Bini.<sup>11</sup>

Meanwhile, the defense witness Segara confirmed that she and her boyfriend were the companions of Maantos that night. She does not remember any instance when Maantos left their company. They went home together that is why she knows that Maantos had no participation in the stabbing incident.<sup>12</sup>

For his part, Aringgo stated that he attended the Charter Day festivities in the evening of July 1, 2013 with his girlfriend May. He did not spend time with the group of Maantos. He briefly saw Maantos that night and they only exchanged pleasantries. Around 4:00 a.m. of July 2, 2013, he and May were about to board a motor cab when he met Gabutero who asked for his help to look for his son and daughter-in-law. At that time, there were a lot of people because the band was still playing. He refused to help Gabutero. He told him that he needed to go home to Bacolod and sleep because he will still drive his tricycle later that day. Aringgo's account was corroborated by May.<sup>13</sup>

The next witness, 71-year-old witness Gabutero recounted that at 4:00 a.m. of July 2, 2013, he went to the Center Mall with his grandchild to look for his son and daughter-in-law. He saw Aringgo and a female companion about to board a motor cab. Since he personally knew Aringgo, he asked for his help, yet the latter declined saying that he needed to go home to Bacolod City. He continued searching on his own. After a while, he saw a commotion 10 meters away. He immediately left because he was afraid that he and his grandchild will be hurt by the bottles being thrown. He volunteered to become a witness to testify that Aringgo already left the place when the commotion started.<sup>14</sup>

The last defense witness, Bini, asserted that he was a pedicab driver in San Carlos before he was imprisoned. He routinely drives his pedicab from 9:00 a.m. to 6:00 p.m. He then went to the terminal for a ride home to Calatrava. On July 1, 2013, he drove his pedicab until 6:00 p.m. He did not attend the celebration at the Center Mall that night because his mother did not

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<sup>10</sup> *Id.*

<sup>11</sup> *Id.* at 37, citing TSN dated June 2, 2015; and *id.* at 51-52.

<sup>12</sup> *Id.* at 37, citing TSN dated September 1, 2015.

<sup>13</sup> *Id.* at 38, citing TSN dated April 26, 2016; and *id.* at 52.

<sup>14</sup> *Id.* at 37-38 citing TSN dated January 19, 2016; and *id.* at 52.

allow him to. He came back to San Carlos at 9:00 a.m. of the next day, July 2, 2013. He denied that he attacked Jaime Boy as he did not even know him. He was not acquainted with Aringgo and only saw him when they were both in jail. He is not a member of any group or gang. As for Maantos, Bini testified that he is only familiar with his face, but he does not even know his name prior to this case. He is also not associated with the rest of the accused.<sup>15</sup>

### RTC's Judgment

Weighing the evidence presented, the RTC found the testimonies of the prosecution witnesses to be more credible. In its Decision<sup>16</sup> dated November 9, 2016, the trial court adjudged Maantos, Aringgo, and Bini guilty of conspiracy to commit murder and sentenced them as follows:

**WHEREFORE**, in view of the foregoing, the Court hereby renders judgment finding accused **MARK JOHN MAANTOS y Velasco, RYAN ARINGGO y Legaria** and **JORROS BINI y Hipolan** "**GUILTY**" beyond reasonable doubt for the crime of **Murder** qualified by abuse of superior strength as defined and penalized under Article 248 of the Revised Penal Code hereby sentences them to suffer the penalty of **Reclusion Perpetua**.

They are likewise ordered to jointly and solidarily pay the heirs of Jaime Boy Cañete the following amounts:

1. **Fifty Thousand ([PHP] 50,000.00) Pesos** as indemnity for death;
2. **Fifty Thousand ([PHP] 50,000.00) Pesos** as moral damages;
3. **Thirty Thousand ([PHP] 30,000.00) Pesos** as exemplary damages;
4. **Twenty Five Thousand ([PHP] 25,000.00) Pesos** as temperate damages in lieu of actual damages; and
5. Cost of suit.

It appearing that the accused are detention prisoners, they are given full credit for the period of their detention provided that they have complied with the rules and regulations of the place where they are presently detained.

Insofar as accused **ALMA CAÑETE y Ponsica, APRIL JOHN TABURADA y Subaria** and **CEDRIC MIRO y Sarabia** are concerned[,] and it appearing that they are all at large, let this case be sent to the files. There to remain until they are apprehended and brought to Court.

Let a Warrant for their Arrest immediately issue.

**SO ORDERED.**<sup>17</sup> (Emphasis in the original)

<sup>15</sup> *Id.* at 39 citing TSN dated June 28, 2016; and *id.* at 52.

<sup>16</sup> *Id.* at 49–55. Penned by Presiding Judge Kathrine A. Go.

<sup>17</sup> *Id.* at 54–55.

Aggrieved, Maantos, Aringgo and Bini questioned the RTC's ruling before the CA. They averred that the trial court erred in brushing aside their defenses considering that their identities were not duly proven. There was likewise no sufficient proof of the existence of conspiracy between them, such that the prosecution failed to prove their guilt beyond reasonable doubt.<sup>18</sup>

### CA's Judgment

On March 24, 2020, while the appeal was pending before the CA, Aringgo died at the New Bilibid Prison (NBP) Hospital in Muntinlupa City.<sup>19</sup> In view of Aringgo's death and finding no merit in the arguments raised by Maantos and Bini, the CA rendered the assailed Decision<sup>20</sup> dated March 11, 2021, dismissing the case against Aringgo and denying the appeal of Maantos and Bini.

In affirming the trial court's judgment, the CA declared that Escala and Litua, were able to positively identify Maantos and Bini when the latter's group approached them upon being summoned by their female companion. Incidentally, the inherently weak defenses of denial and alibi of accused-appellants cannot prevail over the positive identification and testimonies of the eyewitnesses. The CA further held that the group of Maantos and Bini acted in concert in killing Jaime Boy. The perpetrators who were armed with ice picks and empty bottles attacked Jaime Boy, thereby making good use of their superior strength which consummated the crime of murder.<sup>21</sup> The CA thus ruled:

**WHEREFORE**, premises considered the Appeal is **DENIED**. The Decision of the Regional Trial Court, 6th Judicial Region, Branch 59, San Carlos City, Negros Occidental, dated November 9, 2016, for Criminal Case No. RTC-5148, is hereby **AFFIRMED WITH MODIFICATION** as to accused-appellant Ryan Aringgo y Legaria; the case is dismissed against him and all pecuniary liability arising from the offense committed is also extinguished by reason of his death prior to final judgment.

**SO ORDERED.**<sup>22</sup> (Emphasis in the original)

Record shows, however, that on November 9, 2020, Bini also died at the NBP Hospital while his appeal was still pending before the CA.<sup>23</sup>

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<sup>18</sup> *Id.* at 150–151.

<sup>19</sup> *Id.* at 140, 151, & 193.

<sup>20</sup> *Id.* at 144–162. Penned by Associate Justice Bautista G. Corpin, Jr. with the concurrence of Associate Justices Gabriel T. Ingles and Roberto P. Quiroz.

<sup>21</sup> *Id.* at 154–161.

<sup>22</sup> *Id.* at 162.

<sup>23</sup> *Rollo*, pp. 31–32.

For this reason, the Court shall dismiss the charge against Bini and resolve the appeal of Maantos.

In challenging the merits of his conviction, Maantos argues that the RTC and the CA heavily relied on the flawed identification and improbable testimonies of Escala and Litua.<sup>24</sup>

*First*, Escala and Litua could not have seen the faces of the perpetrators because each of the groups were positioned on opposite sides of the football field, and it was still dark when the incident happened at 4:30 a.m. Besides, Escala and Litua testified that they instinctively ran away towards the pumping station as they sensed danger when the members of the other group were approaching.<sup>25</sup>

Moreover, Maantos submits that Escala and Litua did not clearly see how, and who stabbed Jaime Boy. Escala testified that when they turned around and saw Jaime Boy being attacked by the members of the other group, the distance between them is about 30 meters apart. Litua, however, estimated the distance to be more or less 50 meters. Considering the time when the stabbing incident took place and the significant distance as admitted by Escala and Litua, the two could not have identified the perpetrators of the crime.<sup>26</sup> Maantos adds that:

Needless to state, the Extract Police Report dated July 15, 2013, which was formally offered by the prosecution as its Exhibit "E", reflects the fact that in the two (2) blotter entries for July 2, 2013, the victim was stabbed by "**unidentified person**" in the 9:10 [a.m.] blotter entry while the 11:10 [a.m.] entry indicated that "Suspects are still at large and **unidentified.**" As argued above, it took the witnesses more than a week to positively identify the culprits upon being shown their pictures at the police station, despite the witnesses' assertion that they immediately informed the victim's mother and together they immediately went to the police station to report the matter on that very same day. x x x. To note, the first prosecution witness is explicit in saying that he was able to identify the persons on July 10, 2013 through the pictures and merely presumed that these five (5) persons were identified and tagged as suspects considering that they are members of Crips. The prosecution, for its part, never denied this vital piece of information that not one of its eyewitnesses positively identified the accused as the assailants immediately after the stabbing incident on July 2, 2013 – until after the production of pictures later on July 10, 2013.<sup>27</sup> (Emphasis in the original)

<sup>24</sup> *Id.* at 50–53, Manifestation (In Lieu of Supplemental Brief) filed by accused-appellants, through the Public Attorney's Office dated August 31, 2022, adopting the Appellants' Brief of accused-appellants Ryan Aringgo & Jorros Bini; and Mark John Velasco Maantos filed with the Court of Appeals, *CA rollo*, pp. 30–48 and 101-a–121, respectively. *See also* Supplemental Appellant's Brief for Mark John Maantos *y* Velasco dated March 16, 2021, *CA rollo*, pp. 165–172.

<sup>25</sup> *CA rollo*, p. 115, Brief for accused-appellant Mark John Velasco Maantos, *citing* TSN dated February 25, 2014, pp. 12–13 & 20; and TSN dated May 27, 2014, pp. 14–15.

<sup>26</sup> *Id.* at 115–116.

<sup>27</sup> *Id.* at 116.

Maantos stresses that if it were true that Escala and Litua actually saw the faces of the persons who attacked Jaime Boy, they should have readily revealed their identities early on, when the policemen began investigating the crime in the morning of July 2, 2013. However, the witnesses in this case were only able to “positively identify” the accused as the assailants eight days later on July 10, 2013, after they were shown pictures of the members of the Crips gang at the police station.<sup>28</sup>

*Second*, with regard to the alleged conspiracy between him and his co-accused, Maantos objected to the RTC’s findings that the eight injuries found on Jaime Boy’s body signify the distinct possibility that there were more than one assailant and that more than one weapon was used on the victim. To serve as a basis for conviction, conspiracy must be established like the criminal act itself by proof beyond reasonable doubt. The witnesses’ allegations that all six accused ganged up on the victim and conspired to kill him, are unsupported by the evidence on record. Proof of intentional participation is indispensable because the mere presence of an accused at the crime scene, assuming he was present, does not amount to conspiracy.<sup>29</sup>

*Lastly*, Maantos contends that the prosecution failed to prove the qualifying circumstance of abuse of superior strength. Escala and Litua merely claimed that there were several gang members who attacked Jaime Boy. This statement is not enough as there must be proof of the disparity in age, size, strength, or force, which was purposely resorted to by the perpetrators to gain advantage over the victim.<sup>30</sup>

On the other hand, the Solicitor General counters that the testimonies of the eyewitnesses were clear and consistent in identifying all the accused and in describing the stabbing incident.<sup>31</sup>

Although Escala admitted during the cross-examination that he cannot identify Maantos or ascertain the number of persons who were with him from that distance of 30 meters because it was still dark, he categorically stated in his affidavit that he was able to recognize the assailants when they approached their group.<sup>32</sup> Apart from this, the Solicitor General maintains that Litua testified that there was a lamp post which allowed him to clearly see that accused Taburada was carrying the ice pick, while the other four were holding empty bottles. Litua personally knew Taburada and Aringgo as they were his neighbors at Fatima Village, while Maantos is familiar to him. Litua likewise

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<sup>28</sup> *Id.*

<sup>29</sup> *Id.* at 117–119.

<sup>30</sup> *Id.* at 111–114.

<sup>31</sup> *Id.* at 57–74, Brief for the Plaintiff-Appellee dated July 14, 2017 filed by the Solicitor General with the Court of Appeals and was adopted as its Brief in the present appeal, as per Manifestation (in lieu of Supplemental Brief) filed on July 20, 2022, *rollo*, pp. 44–48.

<sup>32</sup> *Id.* at 66–67.

stated that despite the distance of 50 meters, he clearly saw that Taburada stabbed the victim, while the rest hit him with empty bottles.<sup>33</sup>

At any rate, denial and alibi are intrinsically weak defenses. These cannot prevail over the positive and categorical testimony of the prosecution witnesses, especially when there is no proof that it was physically impossible for the accused to be present at the crime scene,<sup>34</sup> as in this case. Finally, the Solicitor General asserts that the RTC correctly ruled on the existence of conspiracy and the qualifying circumstance of abuse of superior strength. By simultaneously assaulting Jaime Boy, Maantos and his co-accused clearly took advantage of their superiority in number and arms and are guilty of the crime of murder.<sup>35</sup>

### Ruling

Fundamentally, the appeal in criminal cases throws the entire case wide open for review. The appeal confers upon the reviewing tribunal full jurisdiction to examine records, revise the judgment appealed from, increase the penalty, and cite the proper provision of the penal law.<sup>36</sup>

In this case, Maantos asserts his innocence and claims that the CA erred in finding that the prosecution was able to prove beyond reasonable doubt: (1) his identity as one of the assailants; (2) the existence of conspiracy; and (3) that the assailants took advantage of their superior strength in killing the unarmed victim.

We grant the Appeal.

A valid judgment of conviction has two vital components: *first*, the identification of the accused as the perpetrator of the crime by a credible witness, which was done in accordance with constitutional standards; and *second*, proof that all the elements of the crime are present.<sup>37</sup> It is imperative for the prosecution to establish both components using the same quantum of proof, that is, proof beyond reasonable doubt. Failing which, the accused cannot be convicted of the crime charged.<sup>38</sup>

Here, Maantos was charged with murder for mauling and stabbing Jaime Boy on July 2, 2013 at 4:30 a.m. near the football field at San Carlos City, Negros Occidental. The crime was allegedly committed in conspiracy

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<sup>33</sup> *Id.* at 65–69.

<sup>34</sup> *People v. Camarino*, G.R. No. 222655, December 9, 2020 [Per *J. Hemando*, Third Division].

<sup>35</sup> *CA rollo*, 70–72.

<sup>36</sup> *People v. Estonilo*, G.R. No. 248694, October 14, 2020, 959 SCRA 139, 148 [Per *J. Perlas-Bernabe*, Second Division].

<sup>37</sup> *People v. Rodrigo*, 586 Phil. 515, 528 (2008) [Per *J. Brion*, Second Division].

<sup>38</sup> *People v. Vargas*, 784 Phil. 144, 149 (2016) [Per *J. Perez*, Third Division].

with five other individuals: Aringgo and Bini, who are both deceased; and Cañete, Taburada, and Miro, who remained at-large.

Before the incident, the group of Jaime Boy, Escala, Litua, and a few others, took part in the evening festivities of the local Charter Day which lasted until the wee hours in the morning of July 2, 2013. Escala and Litua testified that while they were having a drinking spree at the football field, a woman from another group, Cañete, approached them, and made gestures of throwing bottles. Jaime Boy got the bottle from Cañete, who then called out her male companions to settle the score with Jaime Boy. Armed with empty liquor bottles and ice picks, Cañete's male companions approached Jaime Boy's group. Sensing danger, Escala, Litua, Jaime Boy, and their friends immediately ran away. However, Jaime Boy was left behind. The assailants took turns in hitting Jaime Boy with empty bottles and stabbing him with ice picks. Later, Escala and Litua learned that Jaime Boy died during the incident.

After eight days, Escala and Litua identified Maantos and his co-accused from the photos shown to them at the police station. Based on Escala and Litua's "positive identification" of Maantos as one of the perpetrators, the RTC and CA convicted him of murder.

In *People v. Torres*,<sup>39</sup> the Court cautioned that great care should be taken in evaluating the testimonies of eyewitnesses. For unlike fingerprints and DNA testing which are object evidence, testimonial evidence is prone to errors due to the frailty of the human memory and its susceptibility to suggestive influences.<sup>40</sup>

Apart from the inherent limitations of the human mind, several extrinsic factors immensely influence an eyewitness' perception. These may affect the accuracy of their identification and recollection of the incident. As explained in *People v. Nuñez*:<sup>41</sup>

The bifurcated difficulty of misplaced reliance on eyewitness identification is borne not only by the intrinsic limitations of human memory as the basic apparatus on which the entire exercise of identification operates. It is as much the result of and is exacerbated by extrinsic factors such as environmental factors, flawed procedures, or the mere passage of time:

More than 100 years of eyewitness science has supported other conclusions as well. First, the **ability to match faces to photographs** (even when the target is present while the witness inspects the lineup or comparison photo) **is poor** and peaks at levels far below what might be considered reasonable doubt. Second, eyewitness accuracy is further

<sup>39</sup> G.R. No. 238341, July 14, 2021 [Per J. Caguioa, First Division].

<sup>40</sup> *Id.*; *People v. Ansano*, G.R. No. 232455, December 2, 2020 [Per J. Caguioa, First Division]; and *People v. Nuñez*, 819 Phil. 406, 416 (2017) [Per J. Leonen, Third Division].

<sup>41</sup> 819 Phil. 406, *supra*.

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degraded by pervasive environmental characteristics typical of many criminal cases such as: **suboptimal lighting; distance; angle of view; disguise; witness distress;** and many other encoding conditions. Third, **memory is subject to distortion due to a variety of influences not under the control of law enforcement** that occur between the criminal event and identification procedures and during such procedures. Fourth, the ability of those who must assess the accuracy of eyewitness testimony is poor for a variety of reasons. Witnesses' ability to report on many issues affecting or reflecting accuracy is flawed and subject to distortion (*e.g.*, reports of duration of observation, distance, attention, confidence, and others), thereby providing a flawed basis for others' judgments of accuracy.<sup>42</sup> (Emphasis supplied)

In the given situation, Maantos and his co-accused were identified by Escala and Litua after the police investigator showed them the photos of the members of the Crips gang. In *People v. Ansano*,<sup>43</sup> we declared that this seemingly innocuous process of photographic identification is impermissibly suggestive. Since human memory is highly susceptible to suggestion, there is a substantial likelihood of irreparable misidentification during the procedure. This is particularly true in Maantos' case because of his notoriety as a gang leader in the locality. Thus, in *People v. Rodrigo*,<sup>44</sup> the Court stressed that the proper method on photographic identification should be: "**first**, a series of photographs must be shown and not merely that of the suspect; and **second**, when a witness is shown a group of pictures, their arrangement and display should in no way suggest which one of the pictures pertains to the suspect."<sup>45</sup>

Unfortunately, there is no showing that the law enforcers followed the correct photographic identification procedures in this case. When Escala and Litua were summoned to the police station more than a week after the incident, the pictures presented to them were those of the members of the Crips gang. Clearly, this approach is highly suggestive because it drew attention to no one else except the members of the gang, specifically Maantos who is their leader. Besides, there was no explanation why, out of all the individuals who attended the Charter Day celebration, the police investigators singled out the Crips gang, when there was no mention of their group's involvement prior to their identification by Escala and Litua. In fact, the two blotter entries made on the same day of the incident plainly stated that the "suspects are . . . unidentified"<sup>46</sup> without any description or reference to any person, group, or gang.

Further, the admissibility and credibility of the out-of-court identification of Maantos should be measured against the **totality of circumstances test** which was first applied in *People v. Teehankee, Jr.*<sup>47</sup> In

<sup>42</sup> *Id.* at 417-418.

<sup>43</sup> G.R. No. 232455, December 2, 2020, *supra* note 40.

<sup>44</sup> 586 Phil. 515 (2008) [Per J. Brion, Second Division].

<sup>45</sup> *Id.* at 531, citing *People v. Pineda*, 473 Phil. 517, 540 (2004) [Per J. Carpio, *En Banc*].

<sup>46</sup> *CA rollo*, p. 116.

<sup>47</sup> 319 Phil. 128, 180 (1995) [Per J. Puno, Second Division].

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that case, the Court recognized the connection between the out-of-court identification of the suspects and the integrity of the subsequent in-court identification which took place during the trial, to wit:

Since corruption of out-of-court identification contaminates the integrity of in-court identification during the trial of the case, courts have fashioned out rules to assure its fairness and its compliance with the requirements of constitutional due process. In resolving the admissibility of and relying on out-of-court identification of suspects, courts have adopted the **totality of circumstances test** where they consider the following factors, *viz*: (1) the witness' opportunity to view the criminal at the time of the crime; (2) the witness' degree of attention at that time; (3) the accuracy of any prior description given by the witness; (4) the level of certainty demonstrated by the witness at the identification; (5) the length of time between the crime and the identification; and, (6) the suggestiveness of the identification procedure.<sup>48</sup> (Emphasis in the original)

Based on these factors, the Court rules that the prosecution failed to hurdle the **totality of circumstances test**.

*First*, Escala and Litua did not have ample opportunity to clearly view the assailants at the time of the commission of the crime. Both witnesses admitted that before the incident, their group and that of the assailants were having a drinking spree around 4:30 a.m. It is thus, safe to assume that the witnesses are intoxicated. Also, each group were occupying opposite sides of the football field, with an approximate distance of about 50 meters. While the Court can concede that they saw the face of Cañete, the girl who approached them and who was confronted by Jaime Boy, the witnesses could not have seen the faces of his male companions. Escala and Litua even admitted that as the male companions were approaching, they sensed danger and immediately ran towards the pumping station to elude their attackers.<sup>49</sup> This also goes into the *second* factor which is the witnesses' degree of their attention at the time of the incident.

In *People v. Torres*,<sup>50</sup> the Court rejected the identification made by the eyewitness because she instinctively crouched down and crawled away from the crime scene when the gunman fired at the victim. For the same reason, the Court doubts the identification made by Escala and Litua because during that time, their attention was focused more on running for their own survival and not on the faces of Jaime Boy's assailants.

*Third*, during their cross-examination, the witnesses claim that they were able to identify the assailants because the latter came close enough to their group before they ran away.<sup>51</sup> Again, the Court is unconvinced. It should

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<sup>48</sup> *Id.*

<sup>49</sup> CA rollo, p. 51.

<sup>50</sup> G.R. No. 238341, July 14, 2021, *supra* note 39.<sup>\*</sup>

<sup>51</sup> CA rollo, p. 155, *citing* TSN dated February 25, 2014, pp. 12-13.

be noted that before the showing of the photo gallery of the Crips members at the police station, Escala and Litua did not give any description about the facial features or the built of the perpetrators. They were not even able to give any useful information about their identities during the initial stage of the investigation. This is despite their claim that they are neighbors with Aringgo and Taburada, and that they are familiar with Maantos.

To stress, in order to secure a conviction, the prosecution must not only present a positive identification by the witness during trial. It must also prove that the person identified as the perpetrator matches the physical description made by the same witness when they initially reported the incident.<sup>52</sup> This is crucial in crimes which happened swiftly, in a crowded place, and with numerous persons tagged as perpetrators, as in this case.

*Fourth*, the level of certainty demonstrated by the witnesses at the identification is terse and flimsy. At the trial, Litua claimed that the football field is illuminated by a lamp post which allowed them to view the assailants.<sup>53</sup> However, this is contradicted by Escala's statement that he did not actually see how many persons chased and mauled Jaime Boy because it was dark and due to the distance between them and the area where the victim was.<sup>54</sup>

Relative to this, the Court notes that both Escala and Litua testified that they saw Maantos and Taburada holding ice picks, while the rest of the accused have empty liquor bottles which they used to assault and kill Jaime Boy. However, this claim is belied by the medico-legal Report<sup>55</sup> which indicates that Jaime Boy sustained eight lacerated wounds, which are characterized by a tearing of the skin.<sup>56</sup> Jaime Boy did not have any punctured wound, or the type of external injury that will result from the thrusting of an ice pick, or other sharp pointed instrument like a nail, spear, pointed stick, animal fang or hook.<sup>57</sup> Also, there was no finding of any contusion or the effusion of blood into the tissues underneath the skin as a result of blunt force,<sup>58</sup> like being hit with a liquor bottle. Escala and Litua did not witness the actual mauling or stabbing incident. They only assumed that the assailants used ice picks and empty liquor bottles because they knew that the other group was also having a drinking spree at the opposite side of the football field. This conclusion was bolstered by the earlier statement in Escala and Litua's joint affidavit that they only learned of Jaime Boy's death later that day.

<sup>52</sup> *People v. Nuñez*, 819 Phil. 406 (2017), *supra* note 40 at 408.

<sup>53</sup> CA rollo, p. 158, *citing* TSN dated May 27, 2014, pp. 10-12.

<sup>54</sup> *Id.* at 40, *citing* TSN dated February 25, 2014, pp. 12-13.

<sup>55</sup> *Id.* at 49-50.

<sup>56</sup> Pedro P. Solis, *Legal Medicine*, 1987, p. 272.

<sup>57</sup> *Id.* at 271.

<sup>58</sup> *Id.* at 255.

*Finally*, the Court rules that the unexplained lapse of eight days between the commission of the crime and the flawed identification performed by Escala and Litua at the police station based on mere photographs, elicit more questions than answers on the truth behind the supposed eyewitnesses' account.

Indeed, in all criminal actions, the constitutional presumption of innocence is fulcrum where the scales of justice can be balanced and allowed to take its course.<sup>59</sup> Although a crime took the life of the victim in this case, the identification of Maantos as the one responsible therefor, failed to meet the touchstone of reliability. For this reason, the Court acquits Maantos on the ground of reasonable doubt.<sup>60</sup>

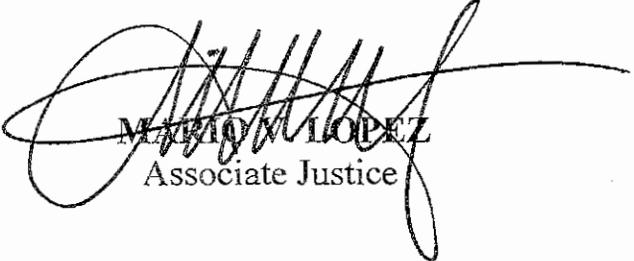
**ACCORDINGLY**, the Appeal is hereby **GRANTED**. The Decision dated March 11, 2021 of the Court of Appeals-Cebu City in CA-G.R. CR-HC No. 02433 is **REVERSED**. Accused-appellant Mark John Maantos y Velasco @ "John Skull" is **ACQUITTED** of the crime of murder on the ground of reasonable doubt and is **ORDERED IMMEDIATELY RELEASED** from detention unless he is being lawfully held for another cause.

Furnish a copy of this Decision to the Director General of the Bureau of Corrections, Muntinlupa City, for immediate implementation. The Director General is **ORDERED to REPORT** to the Court within five days from receipt of this Decision on the action taken.

The case against Jorros Bini y Hipolan is declared **CLOSED and TERMINATED**.

Let an entry of final judgment be issued immediately.

**SO ORDERED.**

  
MARIO N. LOPEZ  
Associate Justice

<sup>59</sup> *People v. Buenaflor*, 412 Phil. 399, 413 (2001) [Per *J. Buena*, Second Division].

<sup>60</sup> *People v. Matias*, G.R. No. 247002, April 12, 2023 [Per *J. Dimaampao*, Third Division].

**WE CONCUR:**

On official business  
**MARVIC M.V.F. LEONEN**  
*Senior Associate Justice*  
*Chairperson*

  
**AMY C. LAZARO-JAVIER**  
*Associate Justice*

  
**JHOSEP V. LOPEZ**  
*Associate Justice*

  
**ANTONIO T. KHO, JR.**  
*Associate Justice*

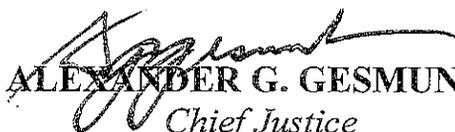
**ATTESTATION**

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.

  
**AMY C. LAZARO-JAVIER**  
*Associate Justice*  
*Acting Chairperson*

**CERTIFICATION**

Pursuant to Article VIII, Section 13 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.

  
**ALEXANDER G. GESMUNDO**  
*Chief Justice*

