



REPUBLIC OF THE PHILIPPINES  
SUPREME COURT  
Manila

SECOND DIVISION

NOTICE

Sirs/Mesdames:

*Please take notice that the Court, Second Division, issued a Resolution dated 20 July 2015 which reads as follows:*

*"G.R. No. 200874 - People of the Philippines, plaintiff-appellee v. Alfonso Niñal and David Gimarangan, accused-appellants.*

An Information was filed charging appellants Alfonso Niñal (Niñal) and David Gimarangan (Gimarangan), together with their co-accused Rodnel Villanueva (Villanueva) and Rolando Yangyang (Yangyang) with the crime of murder. The accusatory portion of the Information reads:

That on or about the 8<sup>th</sup> day of July 2000, in the Municipality of Escalante, Province of Negros Occidental, Philippines, and within the jurisdiction of this Honorable Court, the four (4) above-named accused, armed with bladed weapons, with evident premeditation and treachery and taking advantage of their superior strength, with intent to kill, conspiring, confederating and mutually helping one another, did then and there, willfully, unlawfully and feloniously, attack, assault, stab and hack one RONNEL RODRIGUEZ y BALICAS, thereby inflicting multiple wounds upon the body of the latter which caused his death.<sup>1</sup>

When arraigned, appellants and their co-accused pleaded not guilty to the charge.<sup>2</sup> Trial on the merits ensued. After the prosecution rested its case, Villanueva and Gimarangan filed a Demurrer to Evidence.<sup>3</sup> They argued that the prosecution failed to prove beyond reasonable doubt the crime imputed against them. They claimed that the testimony of the prosecution's lone eyewitness, Juvy Dorimon (Dorimon), is riddled with inconsistencies. However, it was denied by Order<sup>4</sup> dated July 4, 2007 of the Regional Trial Court (RTC) of San Carlos City, Negros Occidental, Branch 58. Meanwhile, the prosecution filed a Motion to Dismiss<sup>5</sup> the case insofar as accused Yangyang is concerned on the ground of minority and there being no allegation in the Information that he acted with discernment. The RTC granted the same in its Order<sup>6</sup> dated November 16, 2007. The case against accused Villanueva was also ordered dismissed on the ground of minority and that he acted without discernment.<sup>7</sup> Trial thus proceeded only as against appellants.

<sup>1</sup> Records, p. 1.  
<sup>2</sup> Id. at 65, 67-68.  
<sup>3</sup> Id. at 212-227.  
<sup>4</sup> Id. at 249-251.  
<sup>5</sup> Id. at 264-265.  
<sup>6</sup> Id. at 268.  
<sup>7</sup> Id. at 270.

*mlo*

The prosecution presented Dorimon as its eyewitness. Dorimon testified that at around midnight of July 8, 2000, he was at a dance hall near the house of Tata Morong. Also present thereat were appellants and their co-accused, as well as the victim Ronnel Rodriguez. At past midnight, he saw appellants and their co-accused having a heated argument with the victim. Thereafter, Dorimon and the victim decided to leave the dance hall. On their way home, they were waylaid by appellants and their co-accused. Niñal suddenly stabbed the victim on the back. When the victim attempted to run, he was again stabbed by appellant Gimarangan. Meanwhile, Dorimon fled to safety. From his hiding place, he saw the four malefactors taking turns in stabbing and hacking the victim. They only left when the victim fell to the ground. Dorimon then ran towards the house of the victim's sister and informed her of what transpired. They proceeded to the place of the incident where they saw the victim lying lifeless on the ground. Dr. Nelly Anonuevo was also presented to testify on the wounds suffered by the victim. According to the doctor, the victim suffered multiple hack, incised, stab and puncture wounds – more or less 30 in all – 3 of which proved fatal and caused the victim's death.

The defense presented Niñal as its witness. He testified that he and his 2-year old daughter, together with Gimarangan and his two co-accused, attended the birthday party of Tata Morong on July 7, 2000. They arrived at the party at around 6:00 o'clock in the evening but left at around 8:00 o'clock as they still have work the following day. He did not see the victim at the party. He claimed that he only learned about the victim's death the following morning when he was arrested by several military officers. Gimarangan corroborated Niñal's testimony. Penafort Anonas y Niñal was also presented as a defense witness. She testified that she saw appellants and their co-accused at the party; that when she left the party at 9:00 o'clock in the evening, there were no more visitors; that there was no untoward incident during the party; and that Dorimon and the victim were not among the guests at the party.

On February 16, 2009, the RTC rendered its Decision<sup>8</sup> the dispositive portion of which reads:

WHEREFORE, the accused ALFONSO NIÑAL and DAVID GIMARANGAN, with qualifying circumstance of treachery and aggravating circumstances of evident premeditation and taking advantage of superior strength, with no mitigating circumstance, are found GUILTY beyond reasonable doubt for the commission of the crime of Murder, as defined and penalized under Article 248, in relation to Art. 63 of the Revised Penal Code and shall suffer the penalty of RECLUSION PERPETUA or imprisonment from 20 years and 1 day to 40 years.

<sup>8</sup> CA rollo, pp. 37-50; penned by Judge Ma. Rita A. Bascos Sarabia.

*mlff*

Accused are hereby ordered to pay the heirs of the deceased victim Ronnel Rodriguez y Balicas the following:

1. [P]50,000.00 as civil indemnity;
2. [P]50,000.00 as moral damages;
3. [P]25,000.00 as exemplary damages.

SO ORDERED.<sup>9</sup>

The trial court found that appellants conspired to kill the victim; and that the killing was attended by the qualifying circumstance of treachery, and aggravating circumstances of evident premeditation and taking advantage of superior strength. It gave short shrift to appellants' denial and alibi, especially considering that they failed to show that it was physically impossible for them to be present at the crime scene at the time of its commission. On the contrary, they even admitted their presence at the birthday party. As regards the alleged inconsistencies in the testimony of prosecution witness Dorimon, the RTC opined that the same pertained to minor and immaterial points which did not diminish his credibility.

Aggrieved, appellants appealed to the Court of Appeals (CA). In their Brief,<sup>10</sup> they argued that any doubt should be considered in favor of the accused; that the identities of the perpetrators were not clearly established by convincing evidence; and that the testimony of the lone eyewitness was riddled with inconsistencies and self-contradictions hence should not have been given credence. On the part of the People, as represented by the Office of the Solicitor General (OSG), it was argued that appellants' contention that they were not positively identified as perpetrators of the crime was specious and misleading. It stressed that Dorimon categorically and unhesitatingly pointed to the appellants and their co-accused as the persons who waylaid them on their way home and attacked the victim by stabbing and hacking him to death. As regards the inconsistencies in Dorimon's statements, the OSG posited that the same pertained to minor and immaterial matters and merely blown out of proportion by the defense.

The CA, in its August 10, 2011 Decision,<sup>11</sup> affirmed in full the ruling of the RTC, viz.:

WHEREFORE, in view of the foregoing, judgment is hereby rendered  
AFFIRMING the decision dated 16 February 2009 rendered in Criminal Case

<sup>9</sup> Id. at 50.

<sup>10</sup> Id. at 21-36.

<sup>11</sup> Id. at 84-109; docketed as CA-G.R. CR HC No. 01012; penned by Associate Justice Gabriel T. Ingles and concurred in by Associate Justices Pampio A. Abarintos and Ramon Paul L. Hernando.

No. RTC-2441 by Branch 58 of the Regional Trial Court in San Carlos City, Negros Occidental finding accused Alfonso Niñal and David Gimarangan GUILTY beyond reasonable doubt for the crime of murder.

SO ORDERED.<sup>12</sup>

The CA concurred with the findings of the RTC that prosecution witness Dorimon saw the incident unfold before his eyes and positively identified appellants as among the assailants. He was just an arm's length away when the victim was first stabbed by Niñal and 10 meters away when Gimarangan stabbed the victim. As regards the alleged inconsistencies in Dorimon's statements, the appellate court ruled that the same were trivial and do not detract from the fact that Dorimon saw appellants kill the victim. The CA also noted that the RTC properly appreciated the attendant circumstance of evident premeditation. It held that:

The time that elapsed, from the time when the victim and the accused had a heated argument to the time when the four assailants left the party until the time of the actual execution, amply gave the accused opportunity to reflect and to allow their conscience to overcome their desire to kill, however, their manifest resolve to kill the victim was shown by their concerted act, all four of them, of having waited patiently and [posting] themselves strategically on the victim's way home.<sup>13</sup>

Likewise, the CA agreed that treachery attended the killing; the attack was sudden and unexpected leaving the victim with no means to repel the attack or defend himself. It also held that the attending circumstance of taking advantage of superior strength was already absorbed in treachery. Finally, it held that appellants and their co-accused acted in conspiracy with one another. Anent appellants' denial and alibi, it declared the same undeserving of merit.

Hence, this appeal. In a Resolution<sup>14</sup> dated June 13, 2012, we required both parties to file their respective supplemental briefs. However, both opted to adopt the briefs they filed before the CA.<sup>15</sup>

After a careful review of the records of the case, the Court finds the appeal to be lacking in merit. We thus adopt and affirm the findings of fact of the trial court as affirmed by the CA. Both the RTC and the CA correctly found appellants Niñal and Gimarangan guilty beyond reasonable doubt of the crime of murder. Prosecution witness Dorimon was unflinching and categorical in his testimony that he saw appellants and their co-accused stab and hack the victim until he

<sup>12</sup> Id. at 109.

<sup>13</sup> Id. at 106.

<sup>14</sup> *Rollo*, pp. 33-34.

<sup>15</sup> Id. at 35-39; 47-48.

succumbed to death. No ill-motive was imputed to Dorimon as to falsely accuse and testify against appellants. Moreover, Dorimon's account was corroborated by the medical report showing that the victim suffered multiple hack, stab, incised and puncture wounds, more or less 30 in number. The attending circumstances of treachery and evident premeditation were likewise properly appreciated.

Article 248 of the Revised Penal Code provides:

Art. 248. *Murder*. – Any person who, not falling within the provisions of Art. 246, shall kill another, shall be guilty of murder and shall be punished by *reclusion perpetua* to death, if committed with any of the following attendant circumstances:

1. With treachery x x x  
x x x x
5. With evident premeditation;

The attendant circumstance of treachery having already been considered in qualifying the crime to murder, the attendant circumstance of evident premeditation should be considered as well as an aggravating circumstance for purposes of raising the penalty from *reclusion perpetua* to death. However, with the enactment of Republic Act No. 9346 (RA 9346; An Act Prohibiting The Imposition Of Death Penalty In The Philippines), only the penalty of *reclusion perpetua* should be imposed. Moreover, appellants are without eligibility for parole pursuant to Section 3 of RA 9346. The awards of civil indemnity, moral damages and exemplary damages must however be increased to ₱100,000.00 each in line with prevailing jurisprudence.<sup>16</sup> In addition, temperate damages must be awarded to the heirs of the victim in the amount of ₱25,000.00 in lieu of actual damages. Finally, interest at the rate of 6% *per annum* shall be imposed on all monetary awards from date of finality of this Resolution until fully paid.

**WHEREFORE**, the assailed August 10, 2011 Decision of the Court of Appeals in CA-G.R. CR HC No. 01012 finding appellants Alfonso Niñal and David Gimarangan guilty beyond reasonable doubt of the crime of murder is **AFFIRMED** with **MODIFICATIONS** that appellants are not eligible for parole; the awards of civil indemnity, moral damages, and exemplary damages are increased to ₱100,000.00 each; in addition, the heirs of the victim are entitled to temperate damages in the amount of ₱25,000.00; and finally, all monetary awards shall earn interest at the rate of 6% *per annum* from date of finality of this Resolution until fully paid.

<sup>16</sup> *People v. Gambao*, G.R. No. 172707, October 1, 2013, 706 SCRA 508, 533-535.

**SO ORDERED."**

Very truly yours,

*MA. LOURDES C. PERFECTO*  
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Division Clerk of Court *6/7/23*

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HON. PRESIDING JUDGE (reg)  
Regional Trial Court, Branch 58  
San Carlos City, 6127 Negros Occidental  
(Crim. Case No. RTC-2441)

ALFONSO NIÑAL AND  
DAVID GIMARANGAN (reg)  
Accused-Appellants  
c/o The Director  
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THE DIRECTOR (reg)  
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