



Republic of the Philippines  
Supreme Court  
Manila

FIRST DIVISION

NOTICE

Sirs/Mesdames:

*Please take notice that the Court, First Division, issued a Resolution dated July 6, 2022 which reads as follows:*

**“G.R. No. 256469 (*People of the Philippines v. Esteban Robis y Ruba and Glicerio Diego y Roña*<sup>1</sup>).** – Before Us is an appeal of the Decision<sup>2</sup> dated 30 June 2020 of the Court of Appeals (CA) in CA-GR. CR HC No. 12720. The CA affirmed, albeit with modification, the Judgment<sup>3</sup> dated 19 February 2019 of the Regional Trial Court (RTC), Branch 81, Romblon, Romblon in Criminal Case No. 2720 finding accused-appellants Esteban Robis y Ruba (Esteban) and Glicerio Diego y Roña (Glicerio) (collectively, accused-appellants) guilty of the crime of Murder.

**Antecedents**

On 19 October 2006, an Information was filed against accused-appellants charging them and their co-accused Ronaldo Rabino y Diego (Ronaldo) with the crime of Murder for the killing of Serafico Rana (Serafico).<sup>4</sup> The Information reads:

That on or about the 16<sup>th</sup> day of October, 2006, at around 11:00 o'clock in the evening, in Barangay Danao, Municipality of Cajidiocan, Province of Romblon, Philippines, and within the jurisdiction of this Honorable Court, the above-named accused, with intent to kill, conspiring, confederating and mutually helping one another, did then and there, by means of treachery and with evident premeditation and taking advantage of their superior strength, willfully, unlawfully, and feloniously attack, assault, and stab with the use of a deadly weapon one SERAFICO G. RANA, being then 77 years old, inflicting upon the latter, mortal wounds in different parts of his body which caused his instantaneous death.

<sup>1</sup> Referred to as “Glicerio Diego” in some parts of the *rollo* (see *rollo*, pp. 25 and 27).

<sup>2</sup> *Id.* at 8-40; penned by Associate Justice Rafael Antonio M. Santos and concurred in by Associate Justices Elihu A. Ybañez and Carlito B. Calpatura.

<sup>3</sup> *Id.* at 42-52; rendered by Acting Presiding Judge Donna B. Pascual.

<sup>4</sup> *Id.* at 9.

That the qualifying and aggravating circumstance of treachery was employed by the accused in killing the 77 year old Serafico G. Rana and that the qualifying and aggravating circumstance of nighttime, dwelling, evidence [*sic*] premeditation and taking advantage of superior strength were attendant in the killing of the 77 year old Serafico G. Rana.

CONTRARY TO LAW.<sup>5</sup>

Upon arraignment on 23 November 2006, all the accused pleaded not guilty to the charge against them.<sup>6</sup> On the same day, the Information was amended to include a “John Doe” as an accused, who was later identified as Joseph R. Tupas (Tupas). He remains at large.<sup>7</sup> During the pendency of the trial, accused Ronaldo was discharged as witness for the prosecution.<sup>8</sup>

### Version of the Prosecution

The prosecution offered the following version of the events that transpired:

Carl Manzano, grandson of the victim Serafico Rana, testified that on 16 October 2006, at around 11 o'clock in the evening, he was sleeping at his grandfather's house when somebody, whose entire face was covered with only the eyes showing, woke him up, gagged his mouth, and poked a knife on his neck saying “*wag akong maingay, ilabas ang pera.*” He obeyed and opened the closets and dividers but no money was found. Thereafter, the masked individual handed him a key and ordered him to open the drawer next to his grandfather's bedroom. When the drawer would not open, he was brought outside of the house where he saw that the man poking a knife to his neck had two companions whose faces, except for their eyes, were similarly covered. He then heard one of the men speak, warning the others to hurry as they might get caught. He was able to recognize the voice of this person as that of “Brownly” whom he identified as co-accused Ronaldo Rabino.

Thereafter, he was brought to the rice field where his assailants left him. After a while of being left alone in the rice field, he decided to walk back to the house of his grandfather. On his way back, he came across Rodel Ruba, a guard at the high school, whom he asked to come with him. Upon arriving at the house, they saw his grandfather lying on the pavement of the kitchen covered with blood and sustaining multiple stab wounds. Carl Manzano then informed his uncle Nicanor Rana who lives in the same barangay.

Ronaldo Rabino, a co-accused turned state witness[,] positively identified Joseph Tupas and accused-appellants as the assailants responsible for the killing of Serafico Rana. He testified that on 16 October 2006 at around 9:00 o'clock in the evening he was watching a movie of Robin Padilla at the house of one Omet Moreno in Barangay Danao. After watching, he went home to the house of his auntie, Juana Malavega, which is also in Barangay Danao. When he arrived, he saw accused-appellants

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<sup>5</sup> Id. at 9-10.

<sup>6</sup> Id. at 10.

<sup>7</sup> Id.

<sup>8</sup> Id. at 11-13.

drinking gin with Joseph Tupas as the kitchen of his aunt's home. He then sat down and ate at the table. While he was eating, he noticed that accused-appellants and Joseph Tupas were whispering to one another.

At around 10:30 in the evening, he finished eating, and accused-appellants and Joseph Tupas also finished drinking. His uncle, accused-appellant Glicerio, then invited him to go with them under the pretense of having a drinking spree and he acceded. It was only while they were walking that he learned that they were actually going to the house of Serafico Rana. They arrived at the house of Serafico Rana at around 11:20 o'clock in the evening. Upon their arrival, Joseph Tupas handed them bonnets, which they all wore. To effect entrance at the house of Serafico Rana, Joseph Tupas carried accused-appellant Esteban on his shoulders to allow the latter to destroy a portion of the roof, which allowed accused-appellant Esteban to enter the house through the opening and open the kitchen door. Upon successfully opening the door, accused-appellants and Joseph Tupas entered the house of Serafico Rana while he stayed outside. Thereafter, he saw Joseph Tupas wake up Serafico Rana and strike the latter with a marble pestle on the face. Joseph Tupas then stabbed the victim on the stomach while accused-appellants Esteban and Glicerio each held the victim's hands, with accused-appellant Esteban holding the right hand and accused-appellant Glicerio holding the left hand.

Ronaldo testified that he was able to witness the incident by peeping through the hole of the kitchen door for about five (5) minutes. Joseph Tupas had a lighter with the flashlight on it which he held by his left hand. The three stayed inside the house of the victim for about twenty (20) minutes.

Thereafter, accused-appellant Esteban and Glicerio and Joseph Tupas went outside and brought with them Carl Manzano. Carl Manzano was left at the ricefield ("*taniman*"), and then they all ran away. Joseph Tupas then burned the bonnets and threw the stainless knife he used to stab Serafico Rana in a watery area. When Ronaldo tried to leave, Joseph Tupas chased him and warned him not to tell anyone the location of the knife and burned bonnets. Ronaldo then went home to the house of his auntie Juane Malavega.<sup>9</sup> (Citations omitted)

### Version of the Defense

In his defense, Glicerio testified that he was sleeping inside his home with his wife and family during the time the crime was allegedly committed. Ronaldo, Glicerio's nephew who had been staying with him for 12 years, was also with them that night. At 4:00 p.m. of the following day, police officers went to their house looking for a certain "Brownny" who was later identified as Ronaldo. The latter was apprehended by the police. Glicerio testified that he was puzzled as to why Ronaldo implicated him.<sup>10</sup>

As for Esteban, he gave a similar testimony that he was sleeping inside his house on the night of the commission on the crime. On 17 October 2006, four *tanods* went to his house and asked if he knows Glicerio and if he

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<sup>9</sup> Id. at 13-15.

<sup>10</sup> Id. at 16.

is involved in the killing of Serafico. When he answered in the negative, he was still brought to the police station. It was only inside prison where he met Glicerio.<sup>11</sup>

### **Ruling of the RTC**

After trial, the RTC rendered judgment finding accused-appellants guilty of the crime of Murder. The dispositive portion of the RTC Decision reads:

WHEREFORE, finding the accused **ESTEBAN ROBIS y RUBA and GLICERIO DIEGO y ROÑA, GUILTY** beyond reasonable doubt of the crime of **MURDER**, defined and penalized by Article 248 of the Revised Penal Code as amended by Republic Act No. 7659, the Court hereby sentences both accused to:

- a.) Suffer the penalty [of] **Reclusion Perpetua**, without eligibility [for] parole;
- b.) Solidarily pay the heirs of the victim the amount of:
  - b-1. the amount of Eighty Thousand Pesos (Php80,000.00) as actual damages for burial expenses;**
  - b-2. the amount of One Hundred Thousand Pesos (Php100,000.00) as civil indemnity of the loss of life;**
  - b-3. the amount of One Hundred Thousand Pesos (Php100,000.00) as moral damages;**
  - b-4. the amount of One Hundred Thousand Pesos (Php100,000.00) as exemplary damages.**

The civil liability imposed herein shall earn interest of six percent (6%) per annum upon finality of this decision.

Considering that accused Joseph Tupas has not been apprehended, let an alias warrant of arrest be issued against him. In order that this case will not remain indefinitely pending and clog the court docket, this case against him is set to the archives pending arrest of aforesaid accused, Joseph Tupas

**SO ORDERED.**<sup>12</sup>

Aggrieved, Glicerio and Esteban appealed their conviction before the CA.<sup>13</sup>

### **Ruling of the CA**

The CA affirmed the trial court's Decision with modification as to the damages awarded to the heirs of Serafico. The dispositive portion of the CA's Decision dated 30 June 2020 reads:

WHEREFORE, the *Judgment* dated 19 February 2019, rendered by the Regional Trial Court, Fourth Judicial Region, Branch 81, Romblon,

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<sup>11</sup> Id. at 17.

<sup>12</sup> Id. at 52.

<sup>13</sup> Id. at 18.

Romblon in Criminal Case No. 2720 is **AFFIRMED** with **MODIFICATION** that the award of actual damages is **DELETED** and, in lieu thereof, the temperate damages in the amount of Fifty Thousand Pesos (P50,000.00) is awarded to the heirs of the victim.

**SO ORDERED.**<sup>14</sup>

The appellate court ruled that the prosecution was able to prove, through the testimony of Ronaldo, that accused-appellants and Tupas were responsible for the death of Serafico. It also found that Ronaldo's testimony was corroborated by the medico-legal report describing the injuries sustained by Serafico, and by the testimony of Carl Manzano (Carl).<sup>15</sup>

The CA also addressed accused-appellants' argument that the inconsistent testimonies of Ronaldo and Carl failed to prove their identities as Serafico's assailants. The CA reasoned that the trial court's assessment of the witnesses' testimonies must be given respect and finality. Also, the inconsistencies pointed out refer only to minor details that did not destroy the integrity of the witnesses.<sup>16</sup>

As regards accused-appellants' defense of denial, the CA held that it was unreliable as it could be easily fabricated. Moreover, alibi and denial cannot prevail over the positive identification of the accused-appellants as the perpetrators of the crime.<sup>17</sup>

The CA upheld the RTC's appreciation of the qualifying circumstance of treachery. The CA found that accused-appellants executed the crime in a stealthy, swift, and methodical manner that deprived Serafico a chance to defend himself.<sup>18</sup>

Finally, the CA deleted the trial court's award of actual damages to the heirs of Serafico considering that the latter failed to offer proof to justify the same. Instead, the CA awarded temperate damages.<sup>19</sup>

Persistent in proving their innocence, accused-appellants interposed the present appeal.<sup>20</sup> The Court allowed the parties to file their supplemental briefs but they, instead, filed their respective Manifestations stating that they no longer intend to do so.<sup>21</sup>

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<sup>14</sup> Id. at 39.

<sup>15</sup> Id. at 20-33.

<sup>16</sup> Id. at 33-34.

<sup>17</sup> Id. at 35.

<sup>18</sup> Id. at 36-37.

<sup>19</sup> Id. at 37-38.

<sup>20</sup> Id. at 2-5.

<sup>21</sup> Id. at 57-61, 71-75.

### Issues

In the Brief<sup>22</sup> they filed before the CA, accused-appellants raised the following errors on the part of the trial court:

#### I.

THE COURT *A QUO* GRAVELY ERRED IN GIVING CREDENCE TO THE INCREDIBLE AND INCONSISTENT TESTIMONIES OF THE PROSECUTION WITNESSES.

#### II.

THE COURT *A QUO* GRAVELY ERRED IN CONVICTING THE ACCUSED-APPELLANTS OF MURDER DESPITE THE PROSECUTION'S FAILURE TO PROVE THEIR GUILT BEYOND REASONABLE DOUBT.<sup>23</sup>

Accused-appellants argue that their identities as Serafico's attackers were not established. This, considering that Carl admitted that he was not able to identify the intruders since their faces were covered.<sup>24</sup> Further, Carl's identification of Ronaldo through the latter's voice is unreliable.<sup>25</sup> Thus, the prosecution had no basis to request Ronaldo's discharge as a state witness.<sup>26</sup>

According to accused-appellants, the testimonies of Carl and Ronaldo are inconsistent with each other. In particular, the testimonies placed Ronaldo in different parts of Serafico's house during the incident. Further, Ronaldo's retelling of the events is full of improbabilities. The lighting condition of the place, Ronaldo's distance from the actual crime scene, and the minute size of the hole he allegedly peered into, render it impossible for him to see the alleged stabbing of Serafico. Also, Ronaldo's testimony as to his actions before, during, and after the incident are incompatible with human knowledge, observation, and common experience. Thus, accused-appellants' claim that the story forwarded by Ronaldo and Carl is a concocted falsity.<sup>27</sup>

In view of alleged weakness of the prosecution's evidence, accused-appellants fault the CA for easily discarding their defense of denial and alibi. They maintain that the presumption in favor of their innocence had not been defeated by the prosecution.<sup>28</sup>

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<sup>22</sup> CA *rollo*, pp. 34-54.

<sup>23</sup> Id. at 42-43.

<sup>24</sup> Id. at 43-46.

<sup>25</sup> Id. at 46.

<sup>26</sup> Id.

<sup>27</sup> Id. at 47-80.

<sup>28</sup> Id. at 50-53.

### **Ruling of the Court**

The petition is without merit.

Accused-appellants' challenge to Ronaldo's discharge as state witness must fail. The discharge of an accused to be a state witness is left to the exercise of the trial court's sound discretion limited only by the requirements set forth in Section 17, Rule 119 of the Rules of Court.<sup>29</sup> Thus, the questions of whether the accused offered to be discharged appears to be the least guilty, or whether there is absolute necessity for his or her testimony are questions that are best left to the determination of the trial court, it being competent to resolve issues of fact. The discretionary judgment of the trial court with respect to this highly factual issue is not to be interfered with by the appellate courts except in case of grave abuse of discretion.<sup>30</sup> No grave abuse was ever alleged here. Suffice it to say that issues relative to the discharge of an accused must be raised in the trial court as they cannot be addressed for the first time on appeal.<sup>31</sup>

As regards the credibility of Ronaldo and Carl, as well as the alleged inconsistencies that plagued their testimonies, it is settled that factual findings of the trial court are treated with finality and respect especially when affirmed by the CA.<sup>32</sup> The assessment of witnesses' credibility belongs to the trial court given its unique advantage and ability to thoroughly scrutinize witnesses taking the stand.<sup>33</sup> The Court had also held in numerous cases that when the alleged inconsistencies are trivial and immaterial, they do not considerably affect the trial court's conclusions.<sup>34</sup>

Here, the inconsistencies, if any, do not relate to any element of the crime. In particular, Ronaldo's identification of the accused-appellants as Serafico's attackers was not dependent upon the environmental conditions prevalent during the attack. He obtained this knowledge from the fact that he himself was a participant to the commission of the crime.

Considering the foregoing, We find no error in the CA's rejection of accused-appellants' defense of denial and alibi. These defenses must necessarily fail as they are inherently weak defenses and cannot prevail over the positive and credible testimony of the prosecution witness that the accused committed the crime. Thus, as between a categorical testimony which has a ring of truth on one hand, and a mere denial and alibi on the other, the former is generally held to prevail.<sup>35</sup>

<sup>29</sup> *Yu v. Presiding Judge, RTC of Tagaytay City, Br. 18*, 526 Phil. 594, 602 (2006).

<sup>30</sup> *Monge v. People*, 571 Phil. 472, 480 (2008).

<sup>31</sup> *Id.*

<sup>32</sup> *Villarba v. Court of Appeals*, G.R. No. 227777, 15 June 2020.

<sup>33</sup> *Bartolome v. People*, 745 Phil. 54, 66 (2014).

<sup>34</sup> *See Cabildo v. People*, 642 Phil. 736 (2010).

<sup>35</sup> *People v. Batalla*, G.R. No. 234323, 07 January 2019.

The Court further upholds the appreciation by the RTC and the CA of the qualifying circumstance of treachery. The essence of treachery is the sudden and unexpected attack without the slightest provocation on the part of the person being attacked.<sup>36</sup> Here, accused-appellants clearly took advantage of Serafico's state of sleep coupled by a swift attack in depriving the latter of any opportunity to defend himself.

We are aware of the Court's pronouncement in *People v. Solar*<sup>37</sup> that an Information alleging that treachery exists, to be sufficient, must have factual averments on how the person charged had deliberately employed means, methods, or forms in the execution of the act that tended directly and specially to ensure its execution without risk to the accused arising from the defense that the victim might make.<sup>38</sup> Nonetheless, the same case also provides that the failure of the accused to avail a motion to quash the Information or a motion for a bill of particulars constitutes a waiver of his or her right to question the defective statement of the aggravating or qualifying circumstance in the Information. Thus, the same may be appreciated against the accused if proven during trial.

In this case, accused-appellants failed to avail of the available remedies to them to question the supposed insufficiency of the Information filed against them, either through a motion to quash or a motion for a bill of particulars. It is also apparent that accused-appellants, when arraigned, voluntarily entered their pleas. Thus, they are deemed to have understood the acts imputed against them by the Information,<sup>39</sup> and treachery, as proven during trial, may be properly appreciated against their favor.

Finally, We affirm the imposition of the penalty of *reclusion perpetua* without eligibility of parole. The RTC correctly appreciated the generic aggravating circumstance of dwelling, as alleged in the Information, to warrant the imposition of the maximum penalty for Murder.<sup>40</sup> In view of Republic Act 9346, however, the imposition of the penalty of death has been prohibited and in lieu thereof, the penalty of *reclusion perpetua* is to be imposed, without eligibility for parole.<sup>41</sup> The amounts awarded by way of damages are also consistent with the Court's ruling in *People v. Jugueta*.<sup>42</sup>

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<sup>36</sup> *People v. Masilang*, G.R. No. 246466, 26 January 2021.

<sup>37</sup> *People v. Solar*, G.R. No. 225595, 06 August 2019.

<sup>38</sup> *Id.*

<sup>39</sup> *People v. Alegre*, G.R. No. 254381, 14 February 2022.

<sup>40</sup> *See People v. Bacyaan*, G.R. No. 238457, 18 September 2019.

<sup>41</sup> Sections 2 and 3 of RA 9346 states:

SEC. 2. In lieu of the death penalty, the following shall be imposed:

(a) the penalty of *reclusion perpetua*, when the law violated makes use of the nomenclature of the penalties of the Revised Penal Code; or

(b) the penalty of life imprisonment, when the law violated does not make use of the nomenclature of the penalties of the Revised Penal Code.

SEC. 3. Persons convicted of offenses punished with *reclusion perpetua*, or whose sentences will be reduced to *reclusion perpetua*, by reason of this Act, shall not be eligible for parole under Act No. 4103, otherwise known as the Indeterminate Sentence Law, as amended.

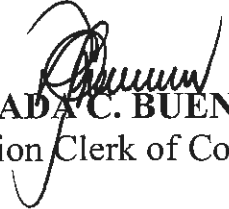
<sup>42</sup> 783 Phil. 806 (2016).



**WHEREFORE**, the instant appeal is hereby **DENIED**. Accordingly, the assailed Decision dated 30 June 2020 of the Court of Appeals in CA-G.R. CR HC No. 12720 is **AFFIRMED**.

**SO ORDERED.”**

**By authority of the Court:**

  
**LIBRADA C. BUENA**  
Division Clerk of Court *ff 9/12/22*

by:

**MARIA TERESA B. SIBULO**  
Deputy Division Clerk of Court

**128-I**

SEP 29 2022

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