



Republic of the Philippines
Supreme Court
Cagayan de Oro City

FIRST DIVISION

NOTICE

Sirs/Mesdames:

*Please take notice that the Court, First Division, issued a Resolution dated **March 6, 2023** which reads as follows:*

“G.R. No. 259134 (*People of the Philippines v. Romeo S. Sayon*).— On appeal¹ is the December 21, 2020 Decision² of the Court of Appeals (CA) in CA-G.R. CR No. 07913, which affirmed the August 14, 2015 Decision³ of the Regional Trial Court (RTC), Branch 81 of Quezon City, finding accused-appellant Romeo S. Sayon (Sayon) guilty beyond reasonable doubt of the crime of Murder qualified by treachery.

The Facts

An Information⁴ was filed against Sayon, Reynaldo Marquez (Marquez), Angelito Magdarag (Magdarag), and Alcantara Cruz (Cruz), for the crime of Murder committed against one Remzon P. Tendenilla (Tendenilla), as follows:

That on or about the 15th day of June, 2000, in Quezon City, Philippines, at nighttime purposely sought to better accomplish their criminal design, the said accused, conspiring and confederating together with another person whose true name, identity and whereabouts are still unknown and mutually helping one another, did then and there willfully, unlawfully and feloniously with intent to kill, taking advantage of superior strength, evident premeditation and treachery, attack, assault and employ personal violence upon the person of REMZON P. TENDENILLA by then and there stabbing said offended party with a bladed weapon, hitting him on the head and different parts of his body, thereby inflicting upon him serious and mortal wounds which were the direct and immediate cause of his untimely death, to the damage and prejudice of said REMZON P. TENDENILLA.

¹ *Rollo*, pp. 3-5.

² *Id.*, at 9-32. Penned by Associate Justice Maria Filomena D. Singh (now a Member of this Court) and concurred in by Associate Justices Ramon R. Garcia and Walter S. Ong.

³ *Id.*, at 34-45. Penned by Presiding Judge Madonna C. Echiverri.

⁴ *Records*, pp. 1-2.

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CONTRARY TO LAW.⁵

Warrants of arrest were issued against Sayon, Marquez, Magdarag, and Cruz on March 7, 2001.⁶ On March 21, 2001, only Marquez was arrested.⁷ Alias warrants for the arrest of Sayon, Magdarag, and Cruz were issued on July 9, 2001.⁸ Considering that Sayon and his co-accused were still at-large and had yet to be arrested, the trial court issued standing warrants on May 8, 2002.⁹ Finally, on August 25, 2008, joint elements of Provisional Task Unit and the Warrant and Alarm Branch of the Criminal Investigation and Detection Division of the Philippine National Police arrested Sayon.¹⁰ Upon arraignment on September 17, 2008, he entered a plea of not guilty.¹¹ Trial ensued thereafter.

Version of the Prosecution

The prosecution presented four witnesses, namely: Tendenilla's friend and the eyewitness to the killing, Wendell Layug (Layug); Tendenilla's regular tricycle passenger, Nely Tejada (Tejada); Tendenilla's father, Remegio; and the medico-legal officer who conducted an autopsy on Tendenilla's cadaver, Dr. Winston Tan (Dr. Tan). The evidence is summarized as follows:

At midnight of June 15, 2000, Layug was in the house of the Tendenilla family as he was requested by Tendenilla's parents to accompany their son while they were away.¹² Tendenilla returned home from plying his tricycle and requested Layug to accompany him to load up the tricycle with gasoline.¹³ However, on the way to the gasoline station, five men hailed the tricycle. One of them, Marquez, another tricycle driver familiar to Tendenilla and Layug, asked for him and his companions to be dropped off at Palmera Homes in Sta. Monica, Quezon City, to which Tendenilla agreed.¹⁴ Layug positively identified Marquez's companions to be Magdarag, Cruz, and Sayon, but failed to identify one other person in the group.¹⁵

Before the tricycle reached Palmera Homes, one of the passengers dismounted the same. The passengers of the side car likewise dismounted and pointed a bladed weapon towards Tendenilla, while Marquez also threatened Layug with a bladed weapon.¹⁶

⁵ Id. at 1.

⁶ Id. at 15-17.

⁷ Id. at 21, 23.

⁸ Id. at 47-48.

⁹ Id. at 99.

¹⁰ Id. at 228-230.

¹¹ Id. at 241.

¹² TSN, July 24, 2001, p. 5.

¹³ Id.

¹⁴ Records, p. 9.

¹⁵ Id. at 108.

¹⁶ Id.

Two of the passengers held the shoulders of Tendenilla as the latter struggled to escape. Tendenilla then shouted, “*Bakit, ano ba ang atraso ko sa inyo, magkakilala naman tayo, pare-pareho naman tayong mga driver.*” There was no response to the question; instead, Sayon stabbed Tendenilla on his back, triggering Layug to run out of fear. As Layug fled, he heard Tendenilla shout, “*Wendell, tulungan mo ako, may tama ako.*” He narrated that as much as he wanted to return for Tendenilla, he feared for his life as he saw Marquez chasing him and threatening him, saying, “*Putang ina mo Wendell, susunod ka rin, papatayin kita.*” After that incident, Layug sought refuge and hid in Guiguinto, Bulacan.¹⁷

Layug testified that he did not report the incident to the police out of fear. However, his conscience led him to voluntarily talk to Tendenilla’s parents and admit to what he witnessed on June 16, 2000.¹⁸

Tejada’s narration corroborated Layug’s, as she testified about her observations on the date of the incident. Tejada was familiar with Tendenilla because the latter regularly dropped her home after she sold vegetables at the market in Novaliches.¹⁹ She testified that Tendenilla was unable to bring her home on June 15, 2000. At around 12:00 midnight, she was in line at the terminal to wait for Tendenilla. However, when Tendenilla arrived, there were already male passengers onboard the tricycle. Tendenilla then told her, “*Ate, sandali lang ako may ihahatid lang ako sa Palmera Homes,*” so she waited for him. To Tejada’s surprise, when the tricycle came back, it was not Tendenilla driving the same but one of his earlier passengers. Tejada inquired as to Tendenilla’s whereabouts but the driver did not answer as he was seemingly in a hurry. Tejada also noticed that the passengers had blood stains on their clothes.²⁰

Tendenilla’s father, Remegio, testified regarding the possible motive behind the killing. He alleged that the tricycle Tendenilla was plying was previously assigned to Cruz. The same was instead assigned to Tendenilla because Cruz allegedly did not take care of the vehicle. Remegio further recalled a previous incident which took place between Tendenilla and Cruz. He narrated that one day in the tricycle terminal, one was after the other in line for passengers. Tendenilla was first in line and the passenger who arrived sought to go to Joshua Street. On the other hand, the second passenger was going to Joel Street, which was a farther destination. Tendenilla directed the second passenger to Cruz, which angered the latter. As a result, Cruz drew a screw driver and pointed it to the side of Tendenilla. Magdarag, Cruz’s uncle, came to the aid of his nephew and told Tendenilla, “*Remzon bumaba ka dyan tayong dalawa ang magsuntukan.*” Tendenilla went home to fetch a pipe, left his tricycle, and boarded another to return to the terminal to challenge Cruz

¹⁷ Id.

¹⁸ Id.

¹⁹ Id, at 110.

²⁰ Id.

and Magdarag. The two ignored him, but Cruz allegedly said, “*Hanggang dyan ka na lang, magbilang ka na lang ng araw mula ngayon at don mo malalaman kung anong mangyayari sayo.*” Thereafter, the duo left.²¹

Remegio also testified that someone approached them to inform them that Sayon and the other accused were the last to board Tendenilla’s tricycle.²²

Dr. Tan, the medico-legal assigned to the case, found that Tendenilla suffered several stab wounds and died of hemorrhagic shock secondary to a stab wound of the trunk.²³

Version of the Defense

The defense countered with denial and alibi.

Sayon testified that in the evening of June 15, 2000 until the dawn of June 16, 2000, he was at home playing bingo with his wife, sister-in-law, and some relatives and neighbors. He stated that he clearly remembered the events that took place that night because it was during this time that he found out Tendenilla was missing.²⁴

At 5:30 a.m. of June 16, 2000, Evangeline Duyag (Duyag), the owner of the tricycle Tendenilla plied, sought Sayon’s help to look for Tendenilla and the tricycle. Duyag lent her vehicle to be used to look for Tendenilla on his usual routes. As the search yielded nothing, the group reported the matter to the police station. Thereafter, joined by Tendenilla’s father, Remegio, they continued looking for Tendenilla.²⁵

Sayon maintained that it was not in his personality to hurt another person, much more to violently kill. He asserted that Remegio might have just taken their jokes seriously when in one instance during the wake of Tendenilla, Marquez was jokingly asked to admit to killing Tendenilla, to which he responded that he will implicate the other attendees of the wake, including Sayon. Sayon contended that Layug’s testimony is a mere product of his imagination.²⁶

Sayon admitted that the place where Tendenilla’s cadaver was found is only a kilometer away from the place where they played bingo, and that he can easily get to the place by foot in 10 minutes.²⁷ Additionally, he stated that

²¹ Id. at 111.

²² Id.

²³ Id. at 114.

²⁴ Id. at 456.

²⁵ Id. at 457-458.

²⁶ Id. at 461.

²⁷ Id.

both Layug and Remegio had no motive to implicate him in the death of Tendenilla. Sayon asseverated that the motive behind the killing was the carnapping of the tricycle.²⁸

Duyag supported Sayon's claim, testifying that all of the accused were together at 12:00 midnight when Tendenilla disappeared.²⁹ At about 12:00 midnight to 1:00 a.m., they were allegedly playing bingo.³⁰

Nelson Alcantara, the *Barangay* Chairman of Sta. Monica, Novaliches, also testified in favor of Sayon. He asserted that Sayon is a good and jolly person, and is thus not capable of doing the crime he is charged with.³¹ However, he admitted that he did not see Sayon on June 14 to 15, 2000.³²

Teresita Serrano (Serrano), Sayon's sister-in-law whom he earlier alleged to be with him when he was playing bingo on the night of the incident, also sought to testify for Sayon. However, when asked where she was on June 15, 2000, she responded that she was just at home, not playing bingo because they do not play in the evening.³³

Ruling of the Regional Trial Court

On August 14, 2015, the RTC rendered its Decision³⁴ finding Sayon guilty beyond reasonable doubt of the crime of Murder. The RTC found that Sayon failed to prove his defense of alibi, that he was at some other place at the time the crime was committed, and that it was likewise physically impossible for him to be at the *locus criminis* at the time the crime was committed.³⁵ The RTC also belied Sayon's claim that he never went into hiding as records showed otherwise. If it were true that Sayon did not hide, he could have been arrested at a much earlier time and could have been tried together with Marquez and there shall have been no need to issue an alias warrant of arrest against him.³⁶

The RTC likewise held that the qualifying circumstance of treachery was present, in that the attack upon Tendenilla came without warning, was sudden and so unexpected that Tendenilla was not in a position to parry the assault.³⁷ One of the accused also held Tendenilla as he was stabbed, thus, undoubtedly, he was defenseless.³⁸

²⁸ Id.

²⁹ TSN, January 27, 2014, p. 8.

³⁰ Id. at 13.

³¹ TSN, February 24, 2015, p. 8.

³² Id. at 11, 12.

³³ TSN, October 20, 2014, p. 5.

³⁴ Records, pp. 480-494.

³⁵ Id. at 490.

³⁶ Id.

³⁷ Id.

³⁸ Id. at 491-492.

Conspiracy was likewise found to attend the killing, as overwhelming evidence showed there was unity of criminal design on the part of the accused to kill Tendenilla. Where the acts of the accused collectively and individually demonstrate the existence of the common design towards the accomplishment of the same unlawful purpose, conspiracy is evident and all perpetrators shall be liable as principals.³⁹

The dispositive portion of the RTC Decision reads:

WHEREFORE, premises considered, the court finds accused ROMEO S. SAYON alias “Bisaya” GUILTY beyond reasonable doubt of the crime of Murder qualified by treachery, defined and penalized under Article 248 of the Revised Penal Code as amended, and hereby sentences him to RECLUSION PERPETUA, with all the accessory penalties provided by law, and to pay the heirs of REMZON P. TENDENILLA the amounts of P50,000.00 as indemnity for his death and P100,000.00 as moral damages.

Accused ROMEO S. SAYON alias “Bisaya” shall be credited in the service of the full time during which he had undergone preventive suspension.

Let a mittimus order be issued for service of sentence.

SO ORDERED.⁴⁰

Aggrieved, Sayon appealed⁴¹ to the CA.

Ruling of the Court of Appeals

On February 27, 2018, the CA affirmed the RTC’s Decision and modified the award of damages, to wit:

WHEREFORE, the appeal is **DENIED**. The Decision dated 14 August 2015 of the Regional Trial Court, Branch 81, Quezon City, in Criminal Case No. Q-01-99120 is **AFFIRMED** with the **MODIFICATION** that accused-appellant Romeo S. Sayon is ordered to pay the heirs of Remzon P. Tendenilla Php75,000.00 as civil indemnity *ex delicto*, Php75,000.00 as moral damages, Php75,000.00 as exemplary damages, and Php50,000.00 as temperate damages. All amounts awarded shall earn interest at the rate of six percent (6%) *per annum* from the date of finality of judgment, until fully paid.

SO ORDERED.⁴²

The CA found that the prosecution proved beyond reasonable doubt that Tendenilla was in fact murdered by Sayon, Magdarag, Cruz, and

³⁹ Id, at 493.

⁴⁰ Rollo, p. 44.

⁴¹ Records, p. 498.

⁴² Rollo, p. 31.

Marquez, acting in conspiracy with each other.⁴³ It ruled that Layug is a credible witness despite Sayon's insistence that his testimony is riddled with inconsistencies.⁴⁴ It is a well-established doctrine in appellate review that factual findings of the trial court, when the issues involve matters of credibility of witnesses, the findings of the trial court, its calibration of the testimonies, and its assessment of the probative weight thereof, as well as its conclusions anchored on said findings, are accorded high respect, if not conclusive effect.⁴⁵ Thus, the assessment of the credibility of the witnesses and their testimonies is best undertaken by the trial court because of its unique opportunity to observe the witnesses first hand and to note their demeanor, conduct, and attitude under grueling examination.⁴⁶

It was ruled that Layug testified in a categorical manner, both during the first trial as against Marquez, and in the second trial as against Sayon.⁴⁷ The CA observed that he was subjected to rigorous cross-examination by counsel for Sayon, which took five cross-examination settings. All throughout, Layug never veered from his original statements.⁴⁸ It was likewise found that there were no real inconsistencies as these were minor and did not relate to the elements of the crime.⁴⁹

Layug's testimony stood as proof for the elements of the crime, corroborated by the physical evidence of stab wounds.⁵⁰ His testimony as to the time and place where the killing took place was likewise corroborated by Tejada, the last person other than Layug to see Tendenilla alive.⁵¹

The CA held that the prosecution's evidence cannot be overcome by the testimonies offered by the defense. Denial is an intrinsically weak defense which must be buttressed with strong evidence of non-culpability to merit credibility.⁵² Even Sayon's defense of alibi, *i.e.*, that he was playing bingo with his wife and sister-in-law and other neighbors, is unreliable. The requirement of physical impossibility that accused could have been at the *locus criminis* at the time of the commission of the offense, is missing in this case.⁵³ The CA likewise found that Sayon's sister-in-law, Serrano, contradicted her judicial affidavit which said that she was playing bingo cards with relatives and neighbors, including Sayon and his wife, at the time of the incident, while she testified in open court that they do not play bingo in the evening.⁵⁴

⁴³ Id, at 17.

⁴⁴ Id,

⁴⁵ Id, at 18.

⁴⁶ Id, at 18.

⁴⁷ Id,

⁴⁸ Id,

⁴⁹ Id, at 19.

⁵⁰ Id, at 25.

⁵¹ Id, at 25-27.

⁵² Id, at 27.

⁵³ Id, at 28.

⁵⁴ Id, at 28-29.

The CA agreed with the trial court that treachery attended the killing of Tendenilla.⁵⁵

However, the CA modified the award of damages, following *People v. Jugueta*,⁵⁶ and prescribed civil indemnity, moral damages, and exemplary damages each in the amount of PHP 75,000.00.⁵⁷ Temperate damages were also awarded in the amount of PHP 50,000.00 due to lack of documentary evidence of burial or funeral expenses.⁵⁸

Dissatisfied with the CA's ruling, Sayon filed a notice of appeal. He contends that the CA Decision is contrary to facts, law, and applicable jurisprudence.⁵⁹

Issue

The issue before this Court is whether the CA erred in finding Sayon guilty of the crime of Murder.

Our Ruling

After a judicious examination of the records, this Court finds the appeal unmeritorious.

Sayon was charged and convicted of the crime of Murder provided in Article 248 of the Revised Penal Code, as amended, which reads:

Article 248. *Murder*. – Any person who, not falling within the provisions of Article 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, taking advantage of superior strength, with the aid of armed men, or employing means to weaken the defense or of means or persons to insure or afford impunity.
2. In consideration of a price, reward or promise.
3. By means of inundation, fire, poison, explosion, shipwreck, stranding of a vessel, derailment or assault upon a railroad, fall of an airship, by means of motor vehicles, or with the use of any other means involving great waste and ruin.
4. On occasion of any of the calamities enumerated in the preceding paragraph, or of an earthquake, eruption of a volcano, destructive cyclone, epidemic, or any other public calamity.
5. With evident premeditation.
6. With cruelty, by deliberately and inhumanely augmenting the suffering of the victim, or outraging or scoffing at his person or corpse.

⁵⁵ Id, at 29.

⁵⁶ 783 Phil. 806, 840 (2016).

⁵⁷ *Rollo*, p. 30.

⁵⁸ Id,

⁵⁹ Id, at 3-5.

To sustain a conviction for Murder, the following elements must be established beyond reasonable doubt: (a) that a person was killed; (b) that the accused killed him or her; (c) that the killing was attended by any of the qualifying circumstances mentioned in Art. 248; and (d) that the killing is not parricide or infanticide.⁶⁰

The elements were proven beyond reasonable doubt through the testimonies found reliable by the trial court, as affirmed by the CA.

Sayon's bare allegation that Layug's testimony is a product of his imagination cannot hold water. In a case, the Court held that the testimony of a single eyewitness is sufficient to support a conviction so long as it is clear, straightforward, and worthy of credence by the trial court.⁶¹ Minor inconsistencies in the testimony of the witness strengthen rather than impair his or her credibility.⁶²

It is observed that Layug was unrelenting in his testimony that he witnessed the killing.⁶³ He also straightforwardly stated that Sayon suddenly stabbed Tendenilla on his back and Tendenilla tried to resist the attack. While struggling to free himself, Tendenilla was repeatedly stabbed by Sayon.⁶⁴ These claims as to the attack were corroborated by the medico-legal who testified as to the stab wounds suffered by Tendenilla. Tejada also corroborated Layug's narration on the sequence of events, in that Tendenilla did not anymore come back after bringing his passengers to their destination, and that the tricycle was carrying the same passengers the next time Tejada saw the same.

Significantly, where there is no evidence that the principal witness for the prosecution was actuated by improper motive, the presumption is that he was not so actuated and his testimony is entitled to full faith and credit.⁶⁵ Sayon himself admitted that there could be no ill motive on the part of Layug to testify against him, thus the presumption will apply.

We likewise recall the oft-repeated rule that the trial court's evaluation of the testimony of a witness is accorded the highest respect because it had the direct opportunity to observe the witnesses on the stand and to determine if they were telling the truth or not.⁶⁶ We do not see any reason to reverse the finding of the trial court that Layug's testimony should not be relied upon.

⁶⁰ *People v. Casemiro*, G.R. No. 231122, January 16, 2019.

⁶¹ *People v. Quillosa*, 382 Phil. 638, 646-647(2000), citing *People v. Lotoc*, 366 Phil. 942, 952 (1999).

⁶² *Id.*, citing *People v. Sabalones*, 356 Phil. 255, 298 (1998).

⁶³ TSN, March 13, 2012, pp. 8-9.

⁶⁴ TSN, June 24, 2001, pp 7-10.

⁶⁵ *People v. Quillosa*, supra, citing *People v. Alfeche*, 355 Phil. 776, 798 (1998) and *People v. Mostrales*, 356 Phil. 204, 215 (1998).

⁶⁶ *People v. Pelen*, 372 Phil. 580, 590 (1999), citing *People v. Manalili*, 355 Phil. 652, 669-670 (1998).

Relative to the defense of alibi, this Court has previously held that where there is even the slightest chance for the accused to be present at the crime scene, the alibi will not hold.⁶⁷ In the instant case, Sayon admitted that he could negotiate the distance between his house and the location where Tendenilla's cadaver was found in 10 minutes. Further, in another case, the Court has ruled that alibi becomes less plausible when it is corroborated by close friends who may not be impartial witnesses.⁶⁸ The persons who sought to corroborate Sayon's alibi were family and neighbors who found him to be kind and jolly, and could not believe he could be guilty of Murder.

In all, there is no compelling reason for Us to disturb the findings of the trial court, as affirmed by the CA. The trial court applied the relevant law and jurisprudence to the facts correctly.

WHEREFORE, the appeal is **DISMISSED**. The December 21, 2020 Decision of the Court of Appeals in CA-G.R. CR No. 07913, is **AFFIRMED**.

The Office of the Solicitor General and accused-appellant's Manifestations in lieu of supplemental briefs, pursuant to the Resolution dated September 28, 2022, are both **NOTED**.

SO ORDERED."

By authority of the Court:



LIBRADA C. BUENA
Division Clerk of Court^W

by:

MARIA TERESA B. SIBULO
Deputy Division Clerk of Court
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MAR 16 2023

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Court of Appeals (x)
Manila
(CA-G.R. CR-HC No. 07913)

The Hon. Presiding Judge
Regional Trial Court, Branch 81
1100 Quezon City
(Crim. Case No. Q-01-99120)

⁶⁷ *People v. Quillosa*, supra, citing *People v. Francisco*, 373 Phil. 733, 748 (1999).

⁶⁸ *Id.*, citing *People v. Añonuevo*, 330 Phil. 553, 570 (1996); *People v. Camat*, 326 Phil. 56, 72 (1996); *People v. Danao*, 323 Phil. 178 188 (1996).

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