



REPUBLIC OF THE PHILIPPINES
SUPREME COURT
Cagayan de Oro City
SECOND DIVISION

NOTICE

Sirs/Mesdames:

*Please take notice that the Court, Second Division, issued a Resolution dated **March 8, 2023** which reads as follows:*

“G.R. No. 244670 (PEOPLE OF THE PHILIPPINES, Plaintiff-appellee v. PO2 MAURO TALEON y VALDEZ, Accused-appellant). – On appeal¹ is the Decision² dated August 24, 2018 of the Court of Appeals (CA) in CA-G.R. CR HC No. 02032, affirming the murder conviction of Police Officer 2 Mauro Taleon y Valdez (PO2 Mauro) for killing Joenel Ealdama (Joenel). The accusatory portion of the *Information* reads:

That on or about the 4th day of February 2012, in the City of Bacolod, Philippines, and within the jurisdiction of this Honorable Court, the herein accused, being then armed and provided with firearm, with intent to kill, and by means of treachery, did, then and there willfully, unlawfully and feloniously and with the use of said firearm, shoot one Joenel Ealdama y Nobleza, in a sudden and unexpected manner without giving an opportunity to defend himself, thereby causing upon the person of the latter the following wounds, to wit:

Post Mortem Autopsy Findings:

1. Lacerated wound 2cm with contusion collar 1cm, anterior axillary line, anterior lateral abdominal area of the abdomen, left, penetrating peritoneal cavity; lacerat[i]o[n] of the mesentery, cutting the blood supply (artery and vein) of the descending colon 1 point causing hemorrhage, cutting completely the iliac artery and vein left; then bullet lodge in the body of the lumbar vertebra, causing severe hemorrhage.

x x x x

¹ See Entry of Appearance with Motion to Admit Notice of Appeal dated October 24, 2018: *rollo*, pp. 20-23.

² *Id.* at 4-19. Penned by Associate Justice Dorothy P. Montejo-Gonzaga, with the concurrence of Associate Justices Edgardo L. Delos Santos (now a retired Member of this Court) and Edward B. Contreras.

10/24

CAUSE OF DEATH:

- I. A. Exsanguination/Acute Loss of Blood/Hypovolemic shock
B. Complete laceration of the left iliac artery and vein, causing severe hemorrhage
C. Gunshot wound (shooting) Homicide

- II. Laceration 2cm with 1cm contusion collar, penetrating and lacerating omentum and blood vessels supplying the descending colon causing severe hemorrhage

which directly and immediately caused the death of said victim.³

PO2 Mauro pleaded not guilty. Trial then ensued.⁴

The prosecution proved that on February 4, 2012, Joenel, his brother, Joel Ealdama (Joel), and their families were on their way home on board two cars. They stopped and parked at a convenience store in Camingawan, Barangay Estefania, beside a gasoline station. After they parked the vehicles, Joenel and Joel went outside their cars and conversed. In the meantime, Joenel's son, Karl Emmanuel Ealdama (Karl), saw a person, later identified as PO2 Mauro, and his three companions drinking beer at the convenience store. PO2 Mauro approached them a few minutes later and shouted, "*tama na na!*" (that is enough!). Joenel retorted to stop interfering in family matters. PO2 Mauro got annoyed and challenged Joenel by asking, "*[w]hat do you want[?]*" and then drew a gun and pointed it at Karl, Joenel, and back at Karl. Karl asked why PO2 Mauro was pointing the gun at them. Suddenly, PO2 Mauro shot Karl. After he fell, Karl heard additional gunshots. He then heard his father Joenel ask him, "*Karl, okay ka lang?*" Karl lost consciousness while trying to reach his father, who fell to the ground after the gunshots. Later, Karl found himself confined in a hospital.⁵

Upon receiving a report of the shooting incident, the police officers of the Bacolod City Police Station 4 went to the crime scene. The eyewitnesses told them that Karl and Joenel were brought to the hospital. The police officers proceeded to Riverside Medical Hospital, where Karl was confined, and interviewed him. Karl described the assailant as wearing a "*dark blue shirt and a camouflage six-pocket short pants.*" The police officers then went to Doctor's Hospital, where Joenel was brought and found him dead. They also interviewed Joel and his wife, who described the assailant as "*wearing a dark blue shirt, six-pocket camouflage short pants, and a head gear; and was about 5'6" in height, of medium-built.*" Karl and Joel did not know PO2 Mauro at that time.⁶

The morning after the shooting incident, Joel and his wife went to the police station and saw PO2 Mauro. Joel immediately recognized PO2 Mauro

³ *Id.* at 6-7.

⁴ *Id.* at 7.

⁵ *Id.* at 7-8.

⁶ *Id.* at 8-9.

and informed Police Superintendent Armando Tubongbanua (P/Supt. Armando) that PO2 Mauro was the assailant. PO2 Mauro was then arrested and detained.⁷ Karl went to the detention cell of PO2 Mauro and confirmed that it was PO2 Mauro who shot him and his father on February 4, 2012.⁸

The medico-legal officer who conducted the autopsy on the body of Joenel testified that the bullet found inside Joenel's body was fatal because a major artery was cut, causing severe hemorrhage. Further, due to the distance between the nearest hospital and the place where the victim was shot, Joenel would still not survive because of blood loss.⁹

For the defense, PO2 Mauro gave a different recollection of what happened. He claimed that he attended a birthday party on the night Joenel was shot. After the party, he and his three companions hired a tricycle driver to return to their barracks. They passed the convenience store where Joenel was shot on their way to the barracks. They saw several people gathering near the convenience store, which was cordoned off. However, they proceeded to return to their barracks. The morning after the shooting incident, they were instructed to wear their camouflage uniform and proceed to the police station, unaware that a "police line-up" was to be conducted. During the police line-up, Joel and his wife identified PO2 Mauro as the person who shot Joenel and Karl.¹⁰

P/Supt. Armando testified that he thought PO2 Mauro was innocent. He conducted his own investigation and believed that the person who shot Joenel was a certain Aries Chicuva (Aries), who wore a red bull cap, as shown in the CCTV footage of the convenience store. He obtained pictures from the CCTV footage showing that the assailant wore a red bull cap. Based on his informant, the person in the pictures was Aries. He secured a search warrant on Aries's house and recovered the red bull cap. The cap was, however, not presented in the trial. Aries did not testify because he allegedly fled before the search warrant was implemented.¹¹

The defense also presented a certain Archielito Dumip-ig (Archielito), an informant of P/Supt. Armando. Archielito testified that Aries hired him as a getaway driver to rob the convenience store where Joenel was shot on February 4, 2012. He also testified that Aries fired his gun three times and hit someone. He knew Aries because he had previously served as a getaway driver for Aries.¹²

On January 12, 2015, the Regional Trial Court of Bacolod City, Negros Occidental, Branch 44 (RTC) found PO2 Mauro guilty of murder. The RTC gave more credence to the positive identification of Joel and Karl and rejected

⁷ *Id.* at 10.

⁸ *Id.* at 13.

⁹ *Id.* at 10.

¹⁰ *Id.* at 10-11.

¹¹ *Id.* at 11-12.

¹² *Id.* at 12.

PO2 Mauro's defenses of alibi and denial. Further, the RTC debunked the defense's strategy of shifting the criminal liability to another person because the alleged red bull cap was not even presented in the court, and the police superintendent's investigation mainly relied on the testimony of a confessed criminal. Thus, the investigation was highly suspect and tainted.¹³ The RTC disposed:

WHEREFORE, in view of the foregoing, the Court hereby renders judgment finding accused PO2 MAURO TALEON y Valdez "GUILTY" beyond reasonable [doubt] for the crime of MURDER qualified by treachery as defined and penalized under Article 248 of the Revised Penal Code and hereby imposes upon him the penalty of *Reclusion Perpetua*.

He is likewise ordered to pay the heirs of deceased Joenel Ealdama the following amounts:

- 1.1 Seventy Five Thousand ([PHP] 75,000.00) Pesos as indemnity for death;
- 1.2 Two Hundred Forty Six Thousand and Three Hundred ([PHP] 246,300.00) Pesos as actual damages;
- 1.3 Five Million One Hundred Fifty Thousand Four Hundred Ninety Two ([PHP] 5,150,492.15) Pesos and fifteen centavos as compensatory damages for loss of earning capacity;
- 1.4 Fifty Thousand ([PHP] 50,000.00) Pesos as moral damages;
- 1.5 Thirty Thousand ([PIIP] 30,000.00) Pesos as exemplary damages; and
- 1.6 Cost of suit, all damages computed at six (6%) percent interest per annum from the finality of this Decision until fully satisfied.

It appearing that accused is a detention prisoner, he is given full credit for the period of his detention provided that he has complied with the rules and regulations of the place where he is presently detained.

Let copies of this Decision be furnished the Jail Warden, Bacolod City District Jail, Handumanan, Bacolod City, the Chief, Philippine National Police, Camp Crame, Quezon City and the National Police Commission.

Let a Commitment Order immediately issue.

SO ORDERED.¹⁴

On appeal, the CA affirmed the conviction of PO2 Mauro but increased the award of moral and exemplary damages to PHP 75,000.00 each, to wit:

WHEREFORE, premises considered, accused-appellant PO2 Mauro Taleon's appeal is **DENIED**. The assailed *Decision* dated 12 January 2015 is **AFFIRMED with MODIFICATIONS** that the award of moral and exemplary damages are increased to Seventy-Five Thousand Pesos ([PHP] 75,000.00). The rest of the dispositions in the appealed *Decision* are **AFFIRMED**.

¹³ *Id.* at 12-13.

¹⁴ *Id.* at 4-5.

SO ORDERED.¹⁵ (Emphasis and italics in the original)

The CA agreed that all the elements of murder were established. *First*, Joenel died on February 5, 2012. *Second*, Joel and Karl positively identified PO2 Mauro as the person who shot Joenel. *Third*, the killing was qualified by treachery. The attack was unforeseen and without any provocation on the part of Joenel. PO2 Mauro consciously adopted the use of the gun to kill Joenel. *Fourth*, the killing neither constitutes parricide nor infanticide.¹⁶

Aggrieved, PO2 Mauro appealed¹⁷ before this Court, insisting he should not be convicted of murder. He contends¹⁸ that the prosecution established that there was a prior heated argument, which negates treachery. Most importantly, the prosecution did not prove his guilt beyond reasonable doubt. He insists that Aries shot Joenel and that he was not at the crime scene.¹⁹

The Office of the Solicitor General (OSG) manifested²⁰ that it would adopt the appellee's brief filed before the CA.²¹ The OSG argued that the elements of murder were established. PO2 Mauro was positively identified as the assailant who shot Joenel. The qualifying circumstance of treachery was likewise established. PO2 Mauro shot Joenel without any provocation suddenly and unexpectedly. Further, PO2 Mauro's defenses of alibi and denial do not outweigh the positive testimonies identifying PO2 Mauro as the assailant.²²

RULING

The appeal is partly granted.

At the onset, we stress that the trial court's conclusions and findings of facts are entitled to great weight on appeal. They should not be disturbed unless for strong and cogent reasons because the trial court is better positioned to examine real evidence and observe the demeanor of witnesses while testifying in the case.²³

Here, the RTC, as affirmed by the CA, correctly found PO2 Mauro as the man who pointed a gun at Joenel and killed him. The prosecution witnesses Joel and Karl positively identified PO2 Mauro as the perpetrator of the shooting incident that killed Joenel. This positive identification, which was done separately by Joel at the police station the morning after the incident,

¹⁵ *Id.* at 18.

¹⁶ *Id.* at 14–16.

¹⁷ See Entry of Appearance with Motion to Admit Notice of Appeal dated October 24, 2018; *id.* at 20–23.

¹⁸ See Supplemental Brief dated October 1, 2019; *id.* at 72–89.

¹⁹ *Id.* at 82–87.

²⁰ See Manifestation in Lieu of Supplemental Brief dated August 30, 2019; *id.* at 62–64.

²¹ *Id.* at 62–63.

²² *Id.* at 62. See also CA rollo, pp. 101–108.

²³ *People v. Gerola*, 813 Phil. 1055, 1064 (2017) [Per J. Caguioa, First Division]; and *Ebajan v. CA*, 252 Phil. 178, 189 (1989) [Per J. Medialdea, First Division].

and by Karl at the detention cell right after his discharge from the hospital where he was confined, deserves greater weight than the alibi and denial of PO2 Mauro. In *People v. Moreno*,²⁴ the Court reiterated that positive testimony outweighs denial, which is inherently a weak defense. A categorical statement that has the earmarks of truth prevails over a bare denial.²⁵ Further, the natural reaction of victims of criminal violence is to strive to see the appearance of the perpetrator and observe the manner the crime was committed.²⁶ This is especially true, in this case, where the witnesses are the participants and victims of the killing incident. Besides, no ill motive can be ascribed to the prosecution's witnesses to identify PO2 Mauro as the assailant that would taint the credibility of the positive identification.²⁷ Joel and Karl did not know PO2 Mauro before the incident.²⁸

PO2 Mauro's defense of alibi deserves scant consideration. For an alibi to prosper, the accused must establish positive, clear, and satisfactory proof that it was physically impossible for one to be at the crime scene when the crime was committed.²⁹ Physical impossibility refers to the distance between the place where the accused was when the crime happened and the place where it was committed and the facility of access between the two places.³⁰ Here, PO2 Mauro testified that he passed by the convenience store aboard a tricycle,³¹ which shows that he could be at the crime scene. He could easily reach the convenience store on a tricycle. Thus, it was physically possible for PO2 Mauro to attend the birthday party and be at the crime scene when Joenel was shot.

However, treachery did not attend the killing of the victim.

There is treachery when the offender commits any crimes against persons, employing means, methods, or forms in the execution thereof which tend directly and especially to ensure its execution, without risk to themselves arising from the defense which the offended party might make.³² The essence of treachery lies in adopting ways to minimize or neutralize any resistance the offended party may put up.³³ Therefore, it is not enough that the attack was "sudden," "unexpected," and "without any warning or provocation." There must also be a showing that the offender consciously and deliberately adopted the particular means, methods, and forms in the execution of the crime, which tended directly to insure such execution without risk to himself.³⁴

²⁴ G.R. No. 191759, March 2, 2020, 934 SCRA 111 [Per J. Hernando, Second Division].

²⁵ *Id.* at 123.

²⁶ *People v. Quillo*, 856 Phil. 123, 135 (2019) [Per J. Carandang, First Division].

²⁷ *People v. Serrano*, 252 Phil. 688, 693 (1989) [Per J. Gutierrez, Jr., Third Division].

²⁸ *Rollo*, pp. 14-15.

²⁹ *People v. Appegu*, 429 Phil. 467, 481 (2002) [Per J. Ynares-Santiago, First Division].

³⁰ *Id.*

³¹ *Rollo*, p. 11.

³² *People v. Academia, Jr.*, 366 Phil. 690, 696 (1999) [Per J. Puno, Second Division].

³³ *Id.*

³⁴ *People v. Enriquez, Jr.*, 854 Phil. 609, 617 (2019) [Per J. Caguioa, Second Division].

In *People v. Alegre*,³⁵ the Court held that chance encounters, impulse killing, or crimes committed at the spur of the moment or that were preceded by a heated altercation are generally not attended by treachery for lack of opportunity of the accused to employ a treacherous mode of attack deliberately.³⁶ In *People v. Gonzales, Jr.*,³⁷ the sudden attack made by the accused due to infuriation because of the victim's provocation was held to be without treachery. Sudden attacks made by the accused preceded by curses and insults by the victim or acts taunting the accused to retaliate or the rebellious or aggressive behavior of the victim were held to be without treachery because the victim was sufficiently forewarned of reprisal.³⁸ In other words, there can be no treachery when the attack is preceded by a heated exchange of words between the accused and the victim or when the victim is aware of the hostility of the assailant towards them.³⁹

In the present case, the attack by PO2 Mauro was impulsive due to the previous heated altercation with the victim. Before the attack, PO2 Mauro uttered, "[w]hat do you want," then pointed the gun at Karl, Joenel, and back at Karl. Gunshots were heard, and Karl and Joenel fell to the ground.⁴⁰ That PO2 Mauro threatened the victim by merely pointing his gun at Karl and then at the victim shows that the attack was not deliberate, negating treachery.

Penalty and damages

Without the qualifying circumstance of treachery, the crime is homicide and not murder.

Under Article 249 of the RPC, the prescribed penalty for homicide is *reclusion temporal*. Without any modifying circumstance, the penalty shall be imposed in its medium period. Applying the Indeterminate Sentence Law, the penalty next lower in degree is *prision mayor* with a range of 6 years and 1 day to 12 years. Thus, PO2 Mauro shall suffer the indeterminate penalty of 8 years and 1 day of *prision mayor*, as minimum, to 14 years, 8 months, and 1 day of *reclusion temporal*, as maximum.

Further, applying the Court's ruling in *People v. Jugueta*,⁴¹ the damages awarded shall be modified to civil indemnity and moral damages of PHP 50,000.00 each, while the award for exemplary damages is deleted.⁴² Also, the Court finds no reason to disturb the uniform findings of the RTC and the CA in awarding actual damages and loss of earning capacity. Lastly, the imposition of the legal interest at the rate of 6% per annum on the award

³⁵ G.R. No. 254381, February 14, 2022, <<https://sc.judiciary.gov.ph/254381-people-of-the-philippines-vs-gilbert-alegre-y-nazaral/>> [Per J. Hernando, Second Division].

³⁶ *Id.*

³⁷ 411 Phil. 893 (2001) [Per J. Gonzaga-Reyes, *En Banc*].

³⁸ *Id.* at 916.

³⁹ *People v. Alegre*, G.R. No. 254381, February 14, 2022, <<https://sc.judiciary.gov.ph/254381-people-of-the-philippines-vs-gilbert-alegre-y-nazaral/>> [Per J. Hernando, Second Division].

⁴⁰ *Rollo*, p. 8.

⁴¹ 783 Phil. 806 (2016) [Per J. Peralta, *En Banc*].

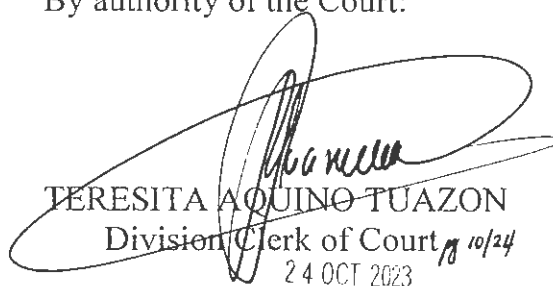
⁴² *Id.* at 852.

of damages is consistent with existing jurisprudence.⁴³

FOR THESE REASONS, the appeal is **DISMISSED**. The Decision dated August 24, 2018 of the Court of Appeals in CA-G.R. CR HC No. 02032 is **AFFIRMED with MODIFICATION**. Police Officer 2 Mauro Taleon y Valdez is **GUILTY** beyond reasonable doubt of **HOMICIDE** under Article 249 of the Revised Penal Code. He is sentenced to suffer the indeterminate penalty of 8 years and 1 day of *prision mayor*, as minimum, to 14 years, 8 months, and 1 day of *reclusion temporal*, as maximum, and **ORDERED** to pay the heirs of Joenel Ealdama the following amounts: (a) PHP 50,000.00 as civil indemnity, (b) PHP 246,300.00 as actual damages, (c) PHP 5,150,492.15 for loss of earning capacity, and (d) PHP 50,000.00 as moral damages. The award for exemplary damages is **DELETED**. All monetary awards shall earn interest at the legal interest at the rate of 6% per annum from the finality of this Resolution until fully paid.

SO ORDERED.”

By authority of the Court:


TERESITA AQUINO-TUAZON
Division Clerk of Court *10/24*
24 OCT 2023

⁴³ *People v. XXX*, G.R. No. 231386, July 13, 2022, <<https://sc.judiciary.gov.ph/231386-people-of-the-philippines-vs-xxx/>> [Per J. Caguioa, Third Division]; and *Nacar v. Gallery Frames*, 716 Phil. 267, 282–283 (2013) [Per J. Peralta, *En Banc*].

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THE DIRECTOR (reg)
Bureau of Corrections
1770 Muntinlupa City

HON. PRESIDING JUDGE (reg)
Regional Trial Court, Branch 44
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(Crim. Case No. 12-36117)

COURT OF APPEALS (reg)
Visayas Station
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CA-G.R. CR-HC No. 02032

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*with a copy of the CA Decision dated August 24, 2018
Please notify the Court of any change in your address.
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