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SO ORDERED.

Romero, Bellosillo, Melo, Puno, Vitug, Kapunan, Mendoza, Panganiban, Purisima, Pardo, Buena, Gonzaga-Reyes, and Ynares-Santiago, JJ., concur.

Davide, Jr., C.J. on leave.

SECOND DIVISION

[A.M. No. RTJ-99-1464. July 26, 1999]

EUSEBIO GO, VIRGILIO MANIPUD, JESSICA VILORIA, RODOR S. GAYAO and RAUL GONZALES, *complainants, vs.* **JUDGE BENJAMIN A. BONGOLAN, Retired, RTC, Branch 2, Bangued, Abra and JUDGE ALBERTO V. BENESA, RTC, Branch 58, Bucay, Abra,** *respondents.*

SYNOPSIS

This is an administrative case filed against respondent Judges Benjamin A. Bongolan and Alberto Benesa for usurpation and abuse of authority, rendition of unjust order and ignorance of the law in granting bail to several accused charged with kidnapping for ransom. Records show that respondent Bongolan granted the application for bail filed by the accused in Criminal Case No. 97-123 and ordered the release thereof inspite of the fact that the prosecution has still time to file its motion for reconsideration to the order granting the two applications for bail. However, before the prosecution could submit its motion, the accused were already released by virtue of the order issued by Judge Benesa, the pairing judge of Branch 2. In this case, the complainants alleged that Judges Bongolan and Benesa should be administratively dealt with for not setting for hearing the bail applications of accused Balmores, Cacal and Molina.

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The Court ruled that the prosecution must be given an opportunity to present its evidence within a reasonable time whether the motion for bail of an accused who is in custody for a capital offense be resolved in a summary proceeding or in the course of a regular trial. If the prosecution is denied such an opportunity, there would be a violation of procedural due process. In the case at bar, records show that the prosecution was supposed to present its 6th and 7th witnesses on June 4, 1998 when respondent Bongolan prematurely resolved the motion. Thus, respondent's act of resolving the motion clearly violated the prosecution's right to procedural due process. With regard to Judge Benesa's case, records show that the release of the accused was done in haste. If he only examined the records of the case, he would have discovered that the prosecution was given by Judge Bongolan ten (10) days within which to file a motion for reconsideration. Without the ten-day period having lapsed, Judge Benesa ordered the release of the accused. Again, the prosecution was denied its day in court. Accordingly, Judge Bongolan was ordered to pay the fine of ten thousand pesos for granting bail in a capital offense without conducting a hearing, whereas Judge Benesa was ordered to pay a fine of five thousand pesos for neglect in the performance of duty.

SYLLABUS

1. **REMEDIAL LAW; CRIMINAL PROCEDURE; BAIL; THE PROSECUTION MUST BE GIVEN AN OPPORTUNITY TO PRESENT ITS EVIDENCE WITHIN A REASONABLE TIME; CASE AT BAR.** — A bail hearing is mandatory to give the prosecution reasonable opportunity to oppose the application by showing that evidence of guilt is strong. We note that the prosecution was caught off guard in the regular hearing of May 20, 1998, when Atty. Astudillo sprang on it a Motion to Amend the Information and Fix Bail. It is true that when asked by Judge Bongolan whether the prosecution would present additional evidence, Prosecutor Gayao responded in the negative. Subsequently, however, the prosecution changed its mind when it stated in its opposition that a resolution of the Motion for admission to bail would be premature since it has additional witnesses to present. In his Comment, Judge Bongolan contends that it is not necessary for the prosecution to present all its

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witnesses before he could resolve the motion for bail. The stance cannot be sustained... In *Borinaga v. Tamin*, we ruled that the prosecution must be given an opportunity to present its evidence within a reasonable time whether the motion for bail of an accused who is in custody for a capital offense be resolved in a summary proceeding or in the course of a regular trial. If the prosecution is denied such an opportunity, there would be a violation of procedural due process. The records show that the prosecution was supposed to present its 6th and 7th witnesses on June 4, 1998 when Judge Bongolan prematurely resolved the motion. A bail application does not only involve the right of the accused to temporary liberty, but likewise the right of the State to protect the people and the peace of the community from dangerous elements. These two rights must be balanced by a magistrate in the scale of justice, hence, the necessity for hearing to guide his exercise of discretion.

2. **ID.; ID.; ID.; FIXING THE BAIL WITHOUT SHOWING ITS REASONABLENESS CONSTITUTES GROSS IGNORANCE OF THE LAW; CASE AT BAR.** — We note too that Judge Bongolan fixed the bail at ₱50,000.00 without showing its reasonableness. In *Tucay v. Domagas*, we held that while the Provincial Prosecutor did not interpose an objection to the grant of bail, still, respondent judge should have set the petition for bail hearing for the additional reason of taking into account the guidelines for fixing the amount of bail. Thus, we fined the erring judge for gross ignorance of the law.

DECISION

PUNO, *J.*:

This is an administrative case filed against respondent Judges Benjamin A. Bongolan and Alberto Benesa for usurpation and abuse of authority, rendition of unjust order and ignorance of the law in granting bail to several accused charged with kidnapping for ransom.

On November 13, 1997, the Office of the Provincial Prosecutor in Abra filed an information[1] against JAIME BALMORES,

[1] *Rollo*, p. 15.

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BUTCH REYNALDO, PO1 ROLANDO MOLINA, EDGARDO CACAL, JOHN DOE 1, JOHN DOE 2, and JOHN DOE 3 charging them with kidnapping committed as follows:

"That on or about November 10, 1997, at 6:30 o'clock (sic) in the evening at Partelo Street, Municipality of Bangued, Province of Abra, Philippines and within the jurisdiction of this Honorable Court, the above-named accused conspiring, confederating and mutually helping one another thru violence, force and intimidation and for the purpose of ransom, kidnapped and detained SAMUEL GO against his will and forcibly brought him outside of the Province of Abra by the use of Nissan Sentra, Super Saloon (recovered) bearing fictitious plate No. UGG 652 and transferred said victim at Pidigan, Abra to a Toyota Taxi bearing Plate No. PVB 169 (recovered) with markings "Naple Leaf" on both sides and were intercepted by San Esteban PNP at San Esteban, Ilocos Sur where they recovered the victim.

"CONTRARY TO LAW."

The case was docketed as Criminal Case No. 97-123 and assigned to Branch 2, Regional Trial Court of Bangued, Abra presided by respondent Judge Benjamin A. Bongolan. Since kidnapping with ransom is punishable with *reclusion perpetua* to death, the prosecution recommended no bail for the provisional liberty of the accused. On January 5, 1998, then Secretary of Justice Teofisto Guingona created a panel of prosecutors, consisting of Regional State Prosecutor of Region I Virgilio Manipud, Provincial Prosecutor of Ilocos Sur Jessica Villoria, and Provincial Prosecutor of Abra Rodor Gayao, to handle the investigation and prosecution of the case.[2] When trial commenced, the prosecution panel presented its witnesses consisting of Samuel Go, the kidnap victim, Alfredo Go, an alleged previous victim who was released after paying a ₱500,000.00 ransom money, the Chief of Police of San Esteban, Ilocos Sur, the Senior Inspector of the PNP Provincial Command in Abra, and a member of the Sangguniang Panlalawigan. After their testimonies, accused Jaime Balmores filed *a "Motion for the Amendment of the Information and for the Fixing of the*

[2] *Rollo*, p. 17.

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Bail"[3] alleging that the evidence presented did not show that the kidnapping was for ransom. He asked the prosecution to amend the information from kidnapping with ransom to simple kidnapping to bring it within the ambit of bailable offenses and enable him to post bail as a matter of right. On May 20, 1998, Judge Bongolan issued an Order[4] (1) denying the Motion to Amend the Information holding that "(i)t is the State that determines the contents of the information and it is the State's responsibility to prove its allegation contained in the information under the principle of '*allegata et probata*'"; (2) allowing accused Balmores to substantiate his "Motion to Fix Bail" and (3) allowing accused Edgardo Cacal and Rolando Molina to submit their own motion for admission to bail with accompanying memorandum. Judge Bongolan gave the prosecution time to oppose the accused's memoranda, fixing the following periods in which to do so, to wit:

"x x x. In the motion for bail, make it of record that the State thru Provincial Prosecutor Rodor Gayao has registered opposition and conformably under Sec. 8 of Rule 114 adopts the evidence it has thus far presented in chief in support to its objection. Make it of record likewise that the accused/movant Jaime Balmores is not presenting anymore evidence to traverse the evidence adduced and utilized by the prosecution but has moved the Court that he be allowed to submit a memorandum in support of his defense within one (1) week from today. *The State has ten (10) days to react to this memorandum. The other accused Rolando Molina and Edgardo Cacal are allowed to submit a motion for bail with an accompanying memorandum with (sic) three (3) days from today, furnishing a copy of the same to the prosecution who may comment on the same afterwhich the incident of the applications for bail of the three accused is deemed submitted for resolution.*

"SO ORDERED."

Pursuant to the above order, accused Molina and Cacal filed their "Motion for Bail with Memorandum Thereof" which reiterated the claim of accused Balmores that the prosecution

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[3] *Rollo*, p. 18.

[4] *Rollo*, p. 20.

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failed to prove kidnapping for ransom.[5] The prosecution, in its "Opposition to Motion to Bail"[6] dated June 2, 1998, maintained that it has established that the accused committed kidnapping with ransom and that the Motion to bail is "prematurely filed since they (sic) are still in the process of presenting further evidence to prove that the crime had been committed by the accused." The next day, June 3, 1998, Judge Bongolan issued his Order granting the two applications for bail.[7] He held that the following evidence presented by the prosecution did not show that the evidence of guilt is strong:

"The real issue is: Whether the State, in opposing the motions for bail was able to show that the evidence of guilt against the accused is strong with the presentation of its four witnesses in the trial proper so as to deny the said accused of their right to bail under the provisions of Section 13, Article III of the Constitution as implemented by the pertinent provisions of Rule 114 of the Rules of Court.

"The rule simply stated that in all criminal prosecutions the accused is entitled to bail except in capital offenses when the evidence of guilt is strong. The only determinant factor as to whether the offense charged is capital or not is the information itself. And in any event it is now up to the State to show that the evidence of guilt is strong. An analysis of the evidence thus far adduced and relied upon by the State when it opposed these motions is the key to the resolution of the issue as to whether the accused-movant (sic) are entitled to bail or not.

"The evidence relied upon by the prosecution is that at about 6:30 o'clock in the afternoon of November 10, 1997, in Bangued, Abra, the complainant Samuel (Sammy) Go, son of a wealthy Filipino-Chinese businessman in Bangued was forcibly abducted by unidentified men and dragged to a waiting white Nissan Sentra car which drove out of the town of Bangued, Abra, and in the next town, the victim was transferred to a red colored Toyota taxicab and driven toward the town of Narvacan, Ilocos Sur. By this time, police authorities were already alerted of the kidnapping of the young Go and a hot pursuit

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[5] *Rollo*, p. 21.

[6] *Rollo*, pp. 29-31.

[7] *Rollo*, pp. 33-36.

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was made. The police authorities found the white Nissan car abandoned in Pidigan and that is the reason why the police at the checkpoint in Tangadan, San Quintin, Abra, between Abra and Ilocos Sur, was not able to intercept the kidnappers and their victim. The REACT communications group alerted all its units along the way in Abra and Ilocos Sur and that is how the San Esteban, Ilocos Sur police was notified. In San Esteban, the taxicab blew a tire and its occupants tried to form their separate ways. Of the five kidnappers, one got away and the rest were rounded up by the San Esteban police including the victim who was at first suspected as one of the kidnap gang until he was identified by some members of the Bangued police and Hon. Syd Vasquez, member of the Sangguniang Panlalawigan of Abra. Along the way, a certain "MASTER" was being contacted with a cellphone but no contact was made. At the San Esteban police, the members of the kidnap gang rounded up by the police are accused Jaime Balmores, Gil Ranchez alias Butch Reynaldo, PO1 Rolando Molina of the Bucloc Police Station and Edgardo Cacal who drove the taxicab and who was found to be armed with an unlicensed 9mm automatic pistol and also Molina who was likewise armed with an unlicensed .45 caliber automatic pistol. Both are now charged with illegal possession of firearms and ammunition in Ilocos Sur. However, to date no demand for ransom has ever been made to the family of Samuel Go. Either the kidnappers (sic) brains developed cold feet or they got wind of the hot pursuit made by the authority on their things and they just dropped the idea like a hot potato. An attempt was made by the prosecution to introduce evidence that before the kidnapping of Samuel Go, somebody tried to extort money from his family. It was made through the phone by a male caller who demanded ₱5,000.00 to be placed in an envelope to be placed near the cement tablet containing the Ten Commandments at the western end of the church yard of the Bangued Cathedral. The second phone call followed but the caller was not entertained and the third was in the form of a letter demanding ₱10,000.00. All these happened long before the kidnapping on November 10, 1997. Neither is there evidence on record that a threat to kill the victim was made by his abductors, nor did they harm him physically save when someone boxed him in (sic) the side of his stomach to force him [to] board the Nissan Sentra car.

x x x x x x x x x.

"Wherefore, the Court in the wake of the foregoing facts and considerations, cannot see any solid basis for the claim of the State

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that the evidence of guilt against the accused is strong in this acquittal (sic) offense of kidnapping for ransom and consequently grants both motion[s] for bail to the accused-movants in the amount of ₱50,000 each for their provisional liberty. x x x."

Judge Bongolan gave the prosecution ten (10) days to file its Motion for Reconsideration which was submitted on June 11, 1998.[8] It was accompanied by a request to the Branch 2 Clerk of Court to set the motion for hearing on June 23, 1998 at 9:00 a.m. However, before the prosecution could submit said motion, the accused were already released. It appears that in the morning of June 10, 1998, the bondsmen arrived in Branch 2 and did not find Judge Bongolan. They proceeded to see Judge Alberto Benesa, who was then Acting Presiding Judge of Branch 1 and designated pairing Judge of Branch 2.[9] The bondsmen presented Judge Benesa with a copy of Judge Bongolan's Order granting bail and fixing the amount at ₱50,000.00 for each of the accused. Upon seeing that Judge Bongolan already approved the Motion for Bail, Judge Benesa issued his order releasing the accused. On June 23, 1998, the date set for the hearing of the Motion for Reconsideration, the prosecution informed Judge Bongolan that the accused had already been released by Judge Benesa.[10] Judge Bongolan stated that he was not aware of their release as he was in the hospital when the release order was issued. In the afternoon of June 23, 1998, Judge Bongolan issued his Order denying the prosecution's Motion for Reconsideration.[11]

Complaints involving irregular approval of bailbond and issuance of order of release appear to be a common offense of judges. In the 1996, case *of Adapon v. Domagtay,*[12] this Court observed:

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[8] *Rollo*, pp. 37-39.

[9] By virtue of Administrative Order No. 44-98, dated February 27, 1998.

[10] *Rollo*, pp. 46-48.

[11] Tsn, June 23, 1998, p. 3; *Rollo*, p. 64.

[12] 265 SCRA 824, 831 (1996).

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"This is not the first time that a complaint is brought before this Court involving irregular approval of bailbond and issuance of order of release. The Court again reminds judges of lower courts of their role as the embodiment of competence, integrity and independence. This Court believes that in order to achieve justice, judges should, in all cases, diligently ascertain and conscientiously apply the law in relation to the facts of each case they hear and decide, unswayed by partisan interests, public opinion or fear of criticism. This is the least that judges can do to sustain the trust reposed on them by the public."

Earlier in *Paderanga v. Court of Appeals,*[13] this Court painstakingly reminded judges of the procedure to be followed when a motion for admission to bail is filed by the accused. It seems, however, that our reminder has fallen on barren ground. Consequently, we find it opportune to reiterate the rules:

"Section 13, Article III of the Constitution lays down the rule that before conviction, all indictees shall be allowed bail, except only those charged with offenses punishable by *reclusion perpetua* when the evidence of guilt is strong. In pursuance thereof, Section 4 of Rule 114, as amended, now provides that all persons in custody shall, before conviction by a regional trial court of an offense not punishable by death, *reclusion perpetua* or life imprisonment, be admitted to bail as a matter of right. The right to bail, which may be waived considering its personal nature and which, to repeat, arises from the time one is placed in the custody of the law, springs from the presumption of innocence accorded every accused upon whom should not be inflicted incarceration at the outset since after the trial he would be entitled to acquittal, unless his guilt be established beyond reasonable doubt.

"Thus, the general rule is that prior to conviction by the regional trial court of a criminal offense, an accused is entitled to be released on bail as a matter of right, the present exceptions thereto being the instances where the accused is charged with a capital offense or an offense punishable by *reclusion perpetua* or life imprisonment and the evidence of guilt is strong. Under said general rule, upon proper application for admission to bail, the court having custody of the accused should, as a matter of course, grant the same after a hearing

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[13] 247 SCRA 741, 753-755 (1995).

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conducted to specifically determine the conditions of the bail in accordance with Section 6 (now, Section 2) of Rule 114. On the other hand, as the grant of bail becomes a matter of judicial discretion on the part of the court under the exceptions to the rule, a hearing, mandatory in nature and which should be summary or otherwise in the discretion of the court, is required with the participation of both the defense and a duly notified representative of the prosecution, this time to ascertain whether or not the evidence of guilt is strong for the provisional liberty of the applicant. Of course, the burden of proof is on the prosecution to show that the evidence meets the required quantum.

"Where such a hearing is set upon proper motion or petition, the prosecution must be given an opportunity to present, within a reasonable time, all the evidence that it may want to introduce before the court may resolve the application, since it is equally entitled as the accused to due process. If the prosecution is denied this opportunity, there would be a denial of procedural due process, as a consequence of which the court's order in respect of (sic) the motion or petition is void. At the hearing, the petitioner can rightfully cross-examine the witnesses presented by the prosecution and introduce his own evidence in rebuttal. When, eventually, the court issues an order either granting or refusing bail, the same should contain a summary of the evidence for the prosecution, followed by its conclusion as to whether or not the evidence of guilt is strong. The court, though, cannot rely on mere affidavits or recitals of their contents, if timely objected to, for these represent only heresay evidence, and thus are insufficient to establish the quantum of evidence that the law requires."[14]

The prosecution alleges that Judge Bongolan should be administratively dealt with for not setting for hearing the bail application of accused Balmores, Cacal, and Molina. Judge Bongolan denies the accusation, contending that in the hearing of May 20, 1998, when Atty. Astudillo, the counsel of accused Balmores presented the Motion to Amend the Information and Fix Bail, Prosecutor Gayao, who represented the prosecution panel, appeared hesitant to react to the motion. He asked the prosecutor whether he is opposing the motion. Prosecutor Gayao answered in the affirmative. He then inquired whether the

[14] *Paderanga v. Court of Appeals, supra.*

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prosecution would offer additional evidence to support its opposition. Prosecutor Gayao declined and stated that "[they were] submitting the case for the purpose of determining the bail only." Judge Bongolan further stressed that in his Order dated May 20, 1998, he gave the prosecution the opportunity to submit its memorandum to oppose the Motion for bail. He presumed that, like in Balmores' motion, the prosecution adopted the evidence it had adduced in the regular trial. Consequently, he held no further hearing as it was unnecessary.

We are not persuaded. A bail hearing is mandatory to give the prosecution reasonable opportunity to oppose the application by showing that evidence of guilt is strong.[15] We note that the prosecution was caught off guard in the regular hearing of May 20, 1998, when Atty. Astudillo sprang on it a Motion to Amend the Information and Fix Bail. It is true that when asked by Judge Bongolan whether the prosecution would present additional evidence, Prosecutor Gayao responded in the negative. Subsequently, however, the prosecution changed its mind when it stated in its Opposition that a resolution of the Motion for admission to bail would be premature since it has additional witnesses to present. In his Comment, Judge Bongolan contends that it is not necessary for the prosecution to present all its witnesses before he could resolve the motion for bail. The stance cannot be sustained. In *Borinaga v. Tamin,*[16] we ruled that the prosecution must be given an opportunity to present its evidence within a reasonable time whether the motion for bail of an accused who is in custody for a capital offense be resolved in a summary proceeding or in the course of a regular trial. If the prosecution is denied such an opportunity, there would be a violation of procedural due process. The records show that the prosecution was supposed to present its 6th and 7th witnesses on June 4, 1998 when Judge Bongolan prematurely resolved the motion. A bail application does not only involve the right of the accused to temporary liberty, but likewise the right of

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[15] *Baylon v. Sison*, 243 SCRA 284 (1995).

[16] 226 SCRA 206 (1993); see also *Cardines v. Rozete*, 242 SCRA 557 (1995).

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the State to protect the people and the peace of the community from dangerous elements. These two rights must be balanced by a magistrate in the scale of justice, hence, the necessity for hearing to guide his exercise of discretion.

We note too that Judge Bongolan fixed the bail at ₱50,000.00 without showing its reasonableness. In *Tucay v. Domagas,*[17] we held that while the Provincial Prosecutor did not interpose an objection to the grant of bail, still, respondent judge should have set the petition for bail hearing for the additional reason of taking into account the guidelines for fixing the amount of bail.[18] Thus, we fined the erring judge for gross ignorance of the law.

We come to the case of Judge Benesa. In his Comment, he claimed that the issuance of the release order is mandatory as the bail has already been approved by Judge Bongolan to whom the application was filed. He cited the following provisions[19] of the Rules, to wit:

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[17] 242 SCRA 110 (1995); see also *Chin v. Gustillo*, 247 SCRA 174 (1995).

[18] Guidelines set for the fixing of bail provided in Section 9, Rule 114:

> The judge who issued the warrant or granted the application shall fix a reasonable amount of bail considering primarily, but not limited to the following guidelines:
>
> (a) Financial ability of the accused to give bail;
> (b) Nature and circumstances of the offense;
> (c) Penalty of the offense charged;
> (d) Character and reputation of the accused;
> (e) Age and health of the accused;
> (f) The weight of the evidence against the accused;
> (g) Probability of the accused appearing in the trial;
> (h) Forfeiture of other bonds;
> (i) The fact that the accused was a fugitive from justice when arrested; and
> (j) The pendency of other cases in which the accused is under bond.

[19] Sections found under Rule 114 of the Rules of Court.

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"Sec. 17.— *Bail, where filed. — (a.) Bail in the amount fixed may be filed with the Court where the case is pending, or, IN THE ABSENCE OR UNAVAILABILITY OF THE JUDGE THEREOF, in ANOTHER BRANCH OF THE SAME COURT WITHIN THE PROVINCE or city.* If the accused is arrested in a province, city or municipality other than where the case is pending, bail may be filed also with any Regional Trial Court of said place, or, if no judge thereof is available, with any Metropolitan Trial Judge, Municipal Trial Court Judge or Municipal Circuit Trial Court Judge therein."

"Sec. 19 *Release on Bail. — The accused MUST BE DISCHARGED UPON APPROVAL OF THE BAIL by the judge with whom it was filed in accordance with Section 17 hereof.*

"Whenever bail is filed with a Court other than where the case is pending, the judge accepting the bail will forward the bail, the order of release and other supporting papers to the Court where the case is pending, which may, for good reason, require a different one to be filed."

The records, however, show that the release of the accused was done in haste by Judge Benesa. If he examined the records of the case, he would have discovered that the prosecution was given by Judge Bongolan, ten (10) days from June 3, 1988 within which to file a Motion for Reconsideration from his Order granting bail to the accused. Without the ten (10) day period having lapsed, Judge Benesa ordered the release of the accused. Again, the prosecution was denied its day in court.

IN VIEW WHEREOF:

(a) Judge Benjamin A. Bongolan, former judge of Branch 2, Regional Trial Court of Bangued, Abra is ordered to pay a fine of ten thousand pesos (₱10,000.00) for granting bail in a capital offense without conducting a hearing. Said amount shall be deducted from the thirty thousand pesos (₱30,000.00) which was withheld from his retirement benefits pending the resolution of this case pursuant to Supreme Court Resolution dated March 16, 1999 in Administrative Matter No. 9779; and (b) Judge Alberto V. Benesa of the Regional Trial Court of Bucay, Abra, Branch 58 is ordered to pay a fine of five thousand pesos (₱5,000.00) for neglect in the performance of duty.

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SO ORDERED.

Bellosillo, (Chairman), Mendoza, Quisumbing, and *Buena, JJ.*, concur.

EN BANC

[G.R. No. 120998. July 26, 1999]

PEOPLE OF THE PHILIPPINES, *plaintiff-appellee, vs.* **DIONEL MEREN *y* MAIQUE,** *accused-appellant.*

SYNOPSIS

Appellant Dionel Meren was convicted of the crime of murder by the Regional Trial Court of Manila on June 26, 1995 for killing one Jessie Villaresco. The court *a quo* sentenced him to suffer the penalty of death because of the presence of aggravating circumstance of *alevosia* and the generic aggravating circumstance of nighttime and to indemnify the heirs of the deceased the sum of ₱34,000.00 for funeral and burial expenses and ₱50,000 for the death of the victim. Because the sentence imposed was death, the case was elevated to the Supreme Court for automatic review. In his brief, appellant contended that the trial court erred in giving weight and credence to the testimonies of the prosecution's witnesses and in disregarding the appellant's defense of alibi. Additionally, appellant asserted that the prosecution failed to prove the qualifying aggravating circumstance of treachery and the generic aggravating circumstance of nighttime.

The Court ruled that there was nothing to show from the records of this case that the prosecution witnesses were coached. During the trial, two of the victim's companions testified that it was appellant who killed the victim. Considering that they were all together at the time of the incident, it was not surprising that the two testimonies would be nearly identical. Anent the