



Republic of the Philippines  
Supreme Court  
Manila

THIRD DIVISION

**MARVIN M. NUGUID,**

Petitioner,

**G.R. No. 258978**

Present:

- versus -

**PEOPLE OF THE PHILIPPINES,**  
Respondent.

CAGUIOA, J., *Chairperson*,  
INTING,  
GAERLAN,  
DIMAAAMPAO, and  
SINGH,\* JJ.

Promulgated:

MAY 07 2025

Mis PDCBatt

DECISION

**DIMAAMPAO, J.:**

In the instant Petition for Review on *Certiorari*,<sup>1</sup> petitioner Marvin M. Nuguid (Nuguid) expostulates with the Decision<sup>2</sup> and the Resolution<sup>3</sup> of the Court of Appeals (CA), which sustained his conviction for murder and denied the motion for reconsideration thereof, respectively, in CA G.R. CR-HC No. 13548.

In two separate Informations, Nuguid, along with three others, was indicted for murder and robbery, the accusatory averments of which read:

\* On leave.

<sup>1</sup> *Rollo*, pp. 11–33.

<sup>2</sup> *Id.* at 36–51. The January 20, 2021 Decision was penned by Associate Justice Manuel M. Barrios, with the concurrence of Associate Justices Ronaldo Roberto B. Martin and Florencio M. Mamauag, Jr. of the Eleventh Division of the Court of Appeals, Manila.

<sup>3</sup> *Id.* at 52–53. The February 8, 2022 Resolution was penned by Associate Justice Manuel M. Barrios with the concurrence of Associate Justices Ronaldo Roberto B. Martin and Florencio M. Mamauag, Jr. of the Former Eleventh Division, Court of Appeals, Manila.

9

**Criminal Case No. 20268**

That on or about the 3rd day of July 2012, in the City of San Fernando, Province of Pampanga, Philippines and within the jurisdiction of this Honorable Court, the above-named accused, conspiring, confederating and mutually helping one other, with treachery and evident premeditation, abuse of superior strength, with intent to kill and while armed with a gun, did then and there willfully, unlawfully and feloniously shoot Wilhelmus Johannes Joseph Geertman y Lutz from behind, which treacherous acts fended directly and specially to ensure its execution, without risk to themselves, thereby inflicting upon the said Wilhelmus Johannes [J]oseph Geertman y Lutz [a] mortal wound which caused his instantaneous death. That at the time of the commission of the offense, the accused made use of a motorcycle, which they took advantage of, to facilitate their escape from the scene of the crime.

Contrary to law.<sup>4</sup>

**Criminal Case No. 20269**

That on or about the 3rd day of July 2012, in the City of San Fernando, Province of Pampanga, Philippines and within the jurisdiction of this Honorable Court, the above-named accused, with intent to gain and by means of violence or intimidation against persons, conspiring, confederating and mutually helping one other, did then and there willfully, unlawfully and feloniously take, steal and carry away with them a shoulder bag containing documents and an unestimated amount of money belonging to and owned by Wilhelmus Johannes Joseph Geertman y Lutz and thereafter [drove] away [aboard] their motorcycle to facilitate their escape, to the damage and prejudice of the said Wilhelmus Johannes [J]oseph Geertman y Lutz in an unestimated amount.

Contrary to law.<sup>5</sup>

Upon arraignment, Nuguid pled not guilty to the charges.

After pre-trial, trial ensued but only with respect to Nuguid, as one of his co-accused remained at large and the other two John Does were yet to be identified.<sup>6</sup> The case was docketed as Crim. Case Nos. 20268 and 20269, and were raffled off to Branch 48, Regional Trial Court of San Fernando City, Pampanga (RTC).<sup>7</sup>

The prosecution presented a total of 10 witnesses, namely: Cecilia Ruiz (Ruiz), Maria Aurora Santiago (Santiago), Alfonsus Maria Wenceslaus Van Zijl (Zijl), Crisostomo Ybanez, Renegonda Ybanez, Medico-Legal Officer Reynaldo R. Dave, Jr. (Dr. Dave, Jr.), Wilfredo Villareal (Villareal), Vergel

---

<sup>4</sup> *Id.* at 64–65.

<sup>5</sup> *Id.* at 65.

<sup>6</sup> *Id.* at 37–38.

<sup>7</sup> *Id.* at 64–65.

4

Garcia (Garcia), Investigator Police Officer III Adrian Regala (PO3 Regala), and Jose Canlas (Canlas).

The prosecution endeavored to establish Nuguid's culpability as follows:

Around 12 noon of July 3, 2012, Dutch national Wilhelmus Johannes Joseph Geertman (Geertman), the Executive Director of Alay Bayan, Inc.—a non-government organization engaged in disaster preparedness and mitigation for poor communities—was gunned down by two assailants who entered the Alay Bayan Inc. premises located in L&S Subdivision, Rue de Paree Street, Barangay Telabastagan, San Fernando, Pampanga. The unidentified men escaped aboard a motorcycle driven by a third man, parked just outside the compound. Geertman was immediately rushed to the Sacred Heart Medical Center but was pronounced dead on arrival. In the post-mortem examination of Geertman, the medico-legal officer found that the cause of death was due to a gunshot wound in the chest area of the victim. The bullet was fired from the back and exited at the victim's left chest.<sup>8</sup>

Fulminating against the prosecution's narration of the events, Nuguid weaved a divergent narrative and persistently insisted that he is innocent. He professed that on that fateful day, he and his common law wife Macy Pineda (Pineda) were at their junkshop in Barangay Tangle, Mexico, Pampanga the whole day fixing refrigerators. Pineda corroborated Nuguid's asseverations in her testimony.<sup>9</sup> Furthermore, Nuguid averred that he came to know about the charge filed against him only two years after the incident, when the police searched their house and junkshop on March 11, 2014.

In due course, the RTC rendered its Decision<sup>10</sup> annunciating in this prose:

**WHEREFORE**, premises considered [sic], judgment is hereby rendered, viz.:

1. In so far as Crim. Case No. 20268, accused MARVIN NUGUID y MARZAN is found **GUILTY** beyond reasonable doubt of the crime of **MURDER** as defined and penalized under Article 248 of the Revised Penal Code, as amended, and sentencing him [sic] to suffer the penalty of *[r]eclusion [p]erpetua* and to indemnify the heirs of the victim in the amount of [S]eventy-five [T]housand [P]esos ([PHP] 75,000.00) as civil indemnity, [S]eventy-five [T]housand [P]esos ([PHP] 75,000.00) as moral damages, [S]eventy-five [T]housand [P]esos ([PHP] 75,000.00) as exemplary damages, and [F]ifty [T]housand [P]esos ([PHP] 50,000.00) as temperate damages, with six percent (6%) legal interest per annum on all the monetary awards from the date of

<sup>8</sup> *Id.* at 39, CA Decision.

<sup>9</sup> *Id.* at 83–86.

<sup>10</sup> *Id.* at 64–102. The July 1, 2019 Decision was penned by Presiding Judge Christine Marie C. Capule. 

finality of this judgment until fully paid. No pronouncement as to cost.

2. For failure of the prosecution to prove his guilt beyond reasonable doubt, accused MARVIN NUGUID y MARZAN is hereby **ACQUITTED** of the crime [of] **ROBBERY** as charged in Crim. Case No. 20269.

Accused Marvin Nuguid y Marzan is to be credited for the time spent for his preventive detention in accordance with Art. 29 of the Revised Penal Code[,] as amended by [Republic Act No.] 6127 and [Executive Order No.] 214 and is hereby committed to the National Bilibid Prisons in Muntinlupa City for service of sentence.

Considering that accused Harold Libao Dela Cruz, John Doe and Peter Doe remain[] at large, send the instant cases to the archives pending their apprehension.

**SO ORDERED.**<sup>11</sup> (Emphasis in the original)

The RTC ruled that the prosecution clearly established the elements of murder, viz.: 1) Geertman was shot and killed; 2) Nuguid was one of the perpetrators who shot and killed Geertman; 3) the killing was attended by the qualifying circumstance of treachery as attested by the prosecution witnesses; and 4) the killing was neither parricide nor infanticide. Further, the RTC did not give credence to the denial proffered by Nuguid and noted that he and his common-law wife gave different versions of Nuguid's purported alibi.<sup>12</sup>

On appeal, the CA rendered the impugned Decision upholding Nuguid's conviction for murder, ratiocinating and disposing in this wise:

After careful consideration of the records of the case, We find that the prosecution was able to establish all the elements of [m]urder under Article 248. First, the Certificate of Death of Geertman and Medico-legal Report No. MCL- 190-12RCL037 show[ed] that Geertman died on [July 3, 2012] due to a gunshot wound located at the chest area. Second, [Nuguid] was the assailant who shot Geertman [in] the back. [Nuguid] was positively identified by prosecution witnesses Crisostomo Ybanez, Redegonda Ybanez, and Vergel Garcia during trial. Third, [the act of] Geertman[,] who was forced to kneel down by [Nuguid] prior to the fatal shooting[,] show[ed] that the killing was attended by the qualifying circumstance of treachery. Fourth, the killing [did] not fall under Article 246 (parricide) or Article 255 (infanticide) under the Revised Penal Code.

....

[Nuguid]'s nitpicking of the inconsistencies in the narration of the eyewitnesses is unavailing. Indeed, inconsistencies in the testimonies of witnesses such as the accuracy of what the assailant was wearing refer to minor details only and do not destroy their credibility. In fact, such minor

<sup>11</sup> *Id.* at 101–102.

<sup>12</sup> *Id.* at 87–101.



inconsistencies even manifest truthfulness and candor and remove any suspicion of a rehearsed testimony. Verily, different persons have different reflexes which may produce varying reactions, impressions, perceptions and recollections. Considering the natural frailties of the human mind and its capacity to assimilate all material details of a given incident, slight variances in the declarations of witnesses hardly weaken their probative value. What is crucial is that the testimonies of the witnesses corroborate one another on material points, particularly in relating the principal occurrence and in the positive identification of the assailant[;] minor inconsistencies therein will not impair their credibility. In this case, the testimonies of the prosecution witnesses, particularly Crisostomo, Redegonda, and Vergel, concurred in all material points, specifically that it was [Nuguid] who shot Geertman [in] the back after [Nuguid] forced him to kneel down.

....

Now then, in order for treachery to be appreciated, the following requisites must be shown: (1) the employment of means, method, or manner of execution would ensure the safety of the malefactor from the defensive or retaliatory acts of the victim, no opportunity being given to the latter to defend himself or to retaliate, and (2) the means, method, or manner of execution was deliberately or consciously adopted by the offender. The essence of treachery is the unexpected and sudden attack on the victim that renders the latter unable and unprepared to defend himself because of the suddenness and severity of the attack. In this case, the prosecution witnesses were one in their testimony of the swiftness of the attack against Geertman who was forced to kneel down and shot [in] the back. Wilfredo testified that based on his estimate, the assailants were able to execute their plan of killing Geertman in less than a minute. Moreover, forcing Geertman to kneel down facing away from the shooter not only ensured that Geertman could not employ any means of defending himself, but also directly and specifically made certain the execution of the crime. From the foregoing disquisition, the prosecution was able to establish the circumstance of treachery or alevosia.

....

**WHEREFORE**, premises considered, the appeal is **DENIED**. The Decision dated [July 1, 2019] of [Branch 48,] Regional Trial Court, San Fernando City, Pampanga is **AFFIRMED**.

**SO ORDERED.**<sup>13</sup> (Emphasis in the original)

Nuguid's plea for a reconsideration of the foregoing disposition was given short shrift in the challenged Resolution.

Nuguid now comes before this Court seeking relief via the instant Petition for Review on *Certiorari*. Maintaining his innocence, he faults the CA for affirming the RTC's factual findings on the credibility of the testimonies of the prosecution witnesses.

---

<sup>13</sup> *Id.* at 50.



Discernibly, the jugular issue in this case revolves around the propriety of the conviction of Nuguid for the crime of murder. As such, it behooves the Court to review the case with a fine-tooth comb.

***The Petition holds sway and carries weight and conviction.***

Incipiently, it must be stressed that in criminal cases, an appeal throws the entire case wide open for review. The reviewing tribunal can correct errors in the appealed judgment, though unassigned, or even reverse the trial court's decision based on grounds other than those that the parties raised as errors. Since an appeal confers the appellate court full jurisdiction over the case, it thereby renders such court competent to examine records, revise the judgment appealed from, increase the penalty, and cite the proper provision of the penal law.<sup>14</sup>

Nuguid harps on the sole argument that his purported participation in the crime was not proven beyond reasonable doubt. He contends that the RTC and the CA gravely erred in relying on the testimonies of the prosecution witnesses to establish his identity as the perpetrator of the crime notwithstanding their inconsistent statements.

After a punctilious review of the case, the Court resolves to acquit Nuguid on the ground of reasonable doubt. The lower courts committed reversible error in hastily convicting Nuguid based on questionable evidence.

The Court endeavors to explicate its disposition.

It is a basic and immutable principle in criminal law that an accused individual cannot be convicted if there is reasonable doubt in his or her commission of a crime. Indeed,

Proof of guilt beyond reasonable doubt must be adduced by the prosecution otherwise the accused must be acquitted, even if, on face, he or she appears to be most suspicious or even if there is no other possible or identifiable perpetrator [on] the records despite there having been a crime committed.<sup>15</sup>

As aptly stated in *People v. Claro*:<sup>16</sup>

Requiring proof of guilt beyond reasonable doubt necessarily means that mere suspicion of the guilt of the accused, no matter how strong, should not sway judgment against him. It further means that the courts should duly consider every evidence favoring him, and that in the process the courts should persistently insist that accusation is not synonymous with guilt; hence, every circumstance favoring his innocence should be fully taken into

<sup>14</sup> See *Casilac v. People*, 870 Phil. 888, 898 (2020) [Per C.J. Peralta, First Division].

<sup>15</sup> *Fernandez v. People*, 867 Phil. 977, 987 (2019) [Per J. A. Reyes, Jr., Second Division].

<sup>16</sup> 808 Phil. 455 (2017) [Per J. Bersamin, Third Division].



account. That is what we must be [sic] do herein, for he is entitled to nothing less.

Without the proof of his guilt being beyond reasonable doubt, therefore, the presumption of innocence in favor of the accused herein was not overcome. His acquittal should follow, for, as we have emphatically reminded in *Patula v. People*:

[I]n all criminal prosecutions, the [p]rosecution bears the burden [of establishing] the guilt of the accused beyond reasonable doubt. In discharging this burden, the [p]rosecution's duty is to prove each and every element of the crime charged in the information to warrant a finding of guilt for that crime or for any other crime necessarily included therein. The [p]rosecution must further prove the participation of the accused in the commission of the offense. In doing all these, the [p]rosecution must rely on the strength of its own evidence [] and not anchor its success upon the weakness of the evidence of the accused. The burden of proof placed on the [p]rosecution arises from the presumption of innocence in favor of the accused that no less than the Constitution has guaranteed. Conversely, as to his innocence, the accused has no burden of proof, that he must then be acquitted and set free should the [p]rosecution not overcome the presumption of innocence in his favor. In other words, the weakness of the defense put up by the accused is inconsequential in the proceedings for as long as the [p]rosecution has not discharged its burden of proof in establishing the commission of the crime charged and in identifying the accused as the malefactor responsible for it.<sup>17</sup>

The RTC and the CA consentiently decreed that Nuguid was the actual perpetrator of the crime against Geertman based mainly on the testimonies of the prosecution witnesses, which purportedly corroborated one another on material points. Generally, the Court is obliged to rely on the observations of the trial court, as it had the unique opportunity to observe the witnesses firsthand and note their demeanor, conduct, and attitude, thus:

It has since become imperative that the evaluation of testimonial evidence by the trial court be accorded great respect by the Court; for it can be expected that said determination is based on reasonable discretion as to which testimony is acceptable and which witness is worthy of belief.

Although it is entrenched in this jurisdiction that findings of the trial court on the credibility of the witnesses are accorded great weight and respect because it had ample opportunity to observe the demeanor of the declarants at the witness stand, ***this rule admits exceptions. The saving instance is said to be when a fact or circumstance of weight and influence has been overlooked, or its significance misconstrued by the trial court sufficient to harbor serious misgivings on its conclusions.***<sup>18</sup> (Emphasis supplied)

<sup>17</sup> *Id.* at 468–469. Citations omitted.

<sup>18</sup> *Fernandez v. People*, 867 Phil. 977, 988 (2019) [Per J. A. Reyes, Jr., Second Division].

Courts are further reminded that:

[A] conviction for a crime rests on two bases: (1) credible and convincing testimony establishing the **identity** of the accused as the perpetrator of the crime; and (2) the prosecution proving beyond reasonable doubt that all elements of the crime **are attributable to the accused**. Proving the identity of the accused as the malefactor is the prosecution's primary responsibility. Thus, in every criminal prosecution, the identity of the offender, like the crime itself, must be established by proof beyond reasonable doubt. Indeed, the first duty of the prosecution is not to prove the crime but to prove the identity of the criminal, for **even if the commission of the crime can be established, there can be no conviction without proof of identity of the criminal beyond reasonable doubt.**<sup>19</sup> (Emphasis in the original)

A more nuanced perusal of the antecedent facts in this case will unearth several glaring inconsistencies in the testimonies of the witnesses, as well as in the evidence on record. Contrary to the asseveration of the CA that said inconsistencies pertained to minor details that did not affect the credibility of the witnesses, the Court views said inconsistencies in a different light as they sow reasonable doubt substantial enough to acquit Nuguid.

Notably, Ruiz,<sup>20</sup> Santiago,<sup>21</sup> Zijl,<sup>22</sup> Dave, Jr.,<sup>23</sup> Canlas,<sup>24</sup> and PO3 Regala<sup>25</sup> all admitted that they did not personally witness the shooting of Geertman; thus, they cannot testify as to the real identity of the shooter.

Thence, it all boils down to the testimonies of Crisostomo Ybanez\* (Crisostomo), Renegonda Ybanez (Renegonda), Villareal, and Garcia who the prosecution claimed were eyewitnesses to the killing of Geertman.

Let us hearken to their testimonies.

Crisostomo, the volunteer driver who drove the victim to the bank and back to their headquarters onboard a Frontier pick-up when the incident unfolded, testified:

ATTY MIRANDA:

When you returned and reached your office, what happened?

A: I blew the horn, Sir.

ATTY. MIRANDA:

Why did you do that?

<sup>19</sup> *People v. Ansano*, 891 Phil. 360, 384 (2020) [Per J. Caguioa, First Division].

<sup>20</sup> TSN, Cecilia Ruiz, November 19, 2014, p. 17.

<sup>21</sup> TSN, Maria Aurora Santiago, April 6, 2015, pp. 12–13.

<sup>22</sup> TSN, Alfonsus Maria Wenceslaus Van Zijl, July 20, 2015, p. 17.

<sup>23</sup> TSN, Dr. Reynaldo Dave, Jr., February 26, 2018, pp. 1–26.

<sup>24</sup> TSN, Jose Canlas, February 26, 2018, p. 8.

<sup>25</sup> TSN, PO3 Adrian Regala, September 18, 2017, p. 5.

\* Also referred to as "Crisostomo Ibanez" in some parts of the records.



A: So that the gate will be opened, Sir.

ATTY. MIRANDA:

How many gates [does] this Alay Bayan, Inc., have?

A: One (1) big gate for the vehicles and one (1) small gate for the people, Sir.

ATTY. MIRANDA:

After you blew your horn, what happened next?

A: One of my companions opened the gate, Sir.

....

ATTY. MIRANDA:

[W]hat did you do after the big gate was opened and Wilhelm Geertman proceeded to the compound?

A: I followed him, Sir.

ATTY. MIRANDA:

When Wilhelm Geertman was already inside the compound, what happened next?

A: When my vehicle was about to enter, I heard [people] cursing or shouting invective words, Sir.

ATTY. MIRANDA:

Did you come to know who were [sic] these persons shouting invective words?

A: When I turned my head, I saw on my right side two persons, Sir.

ATTY MIRANDA:

What were these two [] persons doing at that time?

A: While these persons were shouting invective words, they followed Wilhelm Geertman and one [] was carrying a .45 cal. and the other one [] was carrying a .38 cal., Sir.

ATTY. MIRANDA:

You said they followed Wilhelm Geertman and one [] was carrying a .45 cal. and the other one [] was carrying a .38 cal., what happened thereafter?

A: While they were entering the compound, they poked their guns at me. They followed Wilhelm Geertman and held him by his shoulder and forced him to kneel down, Sir.

....

ATTY. MIRANDA:

According to you these persons who were carrying .45 cal. and .38 cal.[] held the shoulder of Wilhelm Geertman and forced him to kneel down. After that, what happened next?

A: While Wilhelm Geertman was kneeling down, the one [] wearing a jacket poked his gun at [Geertman's] back and shot him, Sir.

✓

ATTY. MIRANDA:

Mr. Witness, if you will see again this person, will you be able to identify him?

A: I can identify him possibly based on the picture I saw before, Sir.

....

ATTY. MIRANDA:

If he is around, please tap his shoulder.

A: Here, Sir. (The witness stepped down from the witness stand and approached and tapped the shoulder of a person who[,] when asked[,] gave the name Marvin Marzan [Nuguid].)

ATTY. MIRANDA:

Tell us how sure you are [sic] that the person whom you tapped his shoulder [sic] is one [] of the persons who entered the compound of Alay Bayan, Inc. and shot Wilhelm Geertman?

A: I am 100% sure, sir.<sup>26</sup>

Meanwhile, on cross-examination, Crisostomo sang a different tune:

ATTY. OCAMPO:

You made mention of a *Sinumpaang Salaysay* which you executed on July 3, 2012 and you identified a while ago. The *Sinumpaang Salaysay* was taken by PO[3] Adrian Regala inside the office of the Alay Bayan, Inc. at No. 54 Rue de Paree St., L & S Subd., Barangay Telabastagan, City of San Fernando, Pampanga, is that correct, or at the police station?

A: At the Alay Bayan, Inc. office, Barangay Telabastagan, City of San Fernando, Pampanga, Sir.

ATTY. OCAMPO:

There is a signature appearing on page 2 of Exhibit "C," is that your signature?

A: Yes, Sir.

....

ATTY. OCAMPO:

**Let me go to Question No. 06 and Answer No. 06 of your *Sinumpaang Salaysay*, which I quote:**

T. Nakita mo ba ang bumaril kay Mr. Geertman?  
S. Hindi po.

**Will you kindly go over your *Sinumpaang Salaysay* and affirm and confirm before this Honorable Court if you were given that question and you gave that answer?**

A: Yes, Sir.

---

<sup>26</sup> TSN, Crisostomo Ybanez, September 14, 2015, pp. 8-12.



ATTY. OCAMPO:

So, what you testified a while ago that you saw accused Marvin Marzan [Nuguid] shot Wilhelm Geertman is not true?  
A: That is true, Sir

....

ATTY. OCAMPO:

If you indeed saw the accused Marvin Marzan [Nuguid] as the one [] who shot Wilhelm Geertman, can you explain before this Honorable Court why you did not allege in your *Sinumpaang Salaysay* the name of Marvin Marzan [Nuguid]?

....

A: Because during that time, during the preparation of the *Sinumpaang Salaysay*, we were shocked because of what happened and we were being harassed and detained inside the office and they were about to harm us, Sir.<sup>27</sup> (Emphasis supplied)

For her part, Renegonda, an employee of Alay Bayan-Lu[z]on, Inc., professed as follows:

ATTY. MIRANDA:

Madam Witness, on July 3, 2012, at about 12[] noon, where were you?  
A: I was inside the office of the Alay Bayan-Lu[z]on, Inc., Sir.

ATTY. MIRANDA:

What were you doing inside the office of the Alay Bayan-Lu[z]on, Inc.?  
A: I have [sic] paper works to do then, Sir.

ATTY. MIRANDA:

What office are you referring at [sic]?  
A: Alay Bayan-Lu[z]on, Inc., Sir.

ATTY. MIRANDA:

On that date and time, have you noticed any unusual circumstances that happened?

....

A: Yes, Sir.

ATTY. MIRANDA:

What was that?  
A: At that time, the service vehicle of the Alay Bayan-Lu[z]on, Inc. arrived and they blew the horn of the service vehicle, Sir.

ATTY. MIRANDA:

What happened when you heard the horn of the service vehicle?

---

<sup>27</sup> *Id.* at 15–18.

A: I did not go outside, Sir.

ATTY. MIRANDA:

Why did you not go outside the office of the Alay Bayan-Lu[z]on, Inc.?

A: Because I knew there were staff outside the office who will open the gate, Sir.

ATTY. MIRANDA:

When you said, "outside the office," what do you mean?

A: At the receiving area, Sir.

ATTY. MIRANDA:

Who were these persons or staff who were at the receiving area?

A: What I know, they were Vergel Garcia and Wilfredo Villareal, Sir.

ATTY. MIRANDA:

What was Vergel Garcia doing at the receiving area?

A: He was fixing the electric fan, Sir.

ATTY. MIRANDA:

[How] About Wilfredo Villareal, what was he doing there?

A: He was using the computer, Sir.

ATTY. MIRANDA:

What happened next?

A: That was the time that I heard a commotion, Sir.

COURT:

This Wilfredo Villareal was using the computer outside the premises?

A: Yes, Ma'am, because the internet connection inside the office [was] not available. He went outside because the signal outside the office [was] strong.

....

ATTY. MIRANDA:

You said you heard a commotion. If you recall, what was the commotion all about?

A: The words uttered were not clear. I thought the staff were just joking, Sir.

ATTY. MIRANDA:

When you heard the commotion, what did you do?

A: When I attempted to stand up from my table and pushed my chair backward, that was the time that I saw a person not familiar to me, Sir.

ATTY. MIRANDA:

What do you mean?

A: He [was] not an employee of the Alay Bayan-Lu[z]on, Inc., Sir.

9

ATTY. MIRANDA:

How far was your position to the position of the person you saw not familiar to you?

A: More or less, ten (10) meters, Sir.

....

ATTY. MIRANDA:

What was your reaction when you saw this person not familiar to you?

A: After that, I heard a gunshot, Sir.

ATTY. MIRANDA:

By the way, what was this person who is not familiar to you doing at that time?

A: When I stood up, I saw that unfamiliar person and when I looked at him, I saw that he looked at me but I am not sure if he saw me, and then, after few seconds, I heard a gunshot, Sir.

ATTY. MIRANDA:

Who was the victim of that gunshot?

A: I [did] not know, Sir.

ATTY. MIRANDA:

Did you come to know after who was the victim of that gunshot[sic]?

A: Yes, Sir.

ATTY. MIRANDA:

Who was the victim of that gunshot?

A: Wilhelm Geertman, Sir.

....

ATTY. MIRANDA:

Will you please look around the Courtroom, Madam Witness, and tell us if the person whom you saw on July 3, 2012 and the same person whom you saw coming out from the Courtroom [sic] is inside the Court?

A: Yes, Sir.

ATTY. MIRANDA:

Will you please step down and tap the shoulder of that person?

A: Here, Sir. (Witness stepped down from the witness stand and approached a person and tapped his shoulder and when asked gave his name as Marvin Marzan [Nuguid].)<sup>28</sup>

On cross-examination, however, Renegonda failed to give a concrete description of the assailant she purportedly saw and eventually acknowledged that she did not see who fired the gun that caused the death of Geertman:

---

<sup>28</sup> TSN, Renegonda Ybanez, November 9, 2015, pp. 6-13.

9

**ATTY. OCAMPO:**

Madam Witness, did you state on record that on July 3, 2012, you were inside the office of the Alay Bayan-Lu[z]on, Inc., correct?

A: Yes, Sir.

**ATTY. OCAMPO:**

With the distance of ten (10) meters away, you saw a person who was not familiar to you, is that correct?

A: Yes, Sir.

**ATTY. OCAMPO:**

With that distance of ten (10) meters, describe to us that person whom you saw?

A: The eyes, Sir.

**ATTY. OCAMPO:**

**Can you describe to us the height of that person?**

A: **I cannot say the height of that person. I focused on his eyes, Sir.**

**ATTY. OCAMPO:**

**Was he alone or ha[d] a companion?**

A: **I do not know, Sir.**

**ATTY. OCAMPO:**

**You did not see the color of the dress that person was wearing?**

A: **I was not focused there, Sir.**

**ATTY. OCAMPO:**

**Will you inform the Honorable Court if that unfamiliar person was wearing a long or short pants?**

....

A: **I cannot say, Sir.**

**ATTY. OCAMPO:**

You heard [a] burst of gunfire?

A: Yes, Sir.

**ATTY. OCAMPO:**

How many?

A: I cannot count but I heard one (1) gunshot, sir.

**ATTY. OCAMPO:**

**You were inside the office, and you did not see the person who fired the gun, correct?**

A: **Yes, Sir, I did not see.<sup>29</sup> (Emphasis supplied)**

Meanwhile, Villareal propounded his version of what transpired that fateful day, which tellingly revealed that he could not identify the perpetrators, let alone the shooter himself:

---

<sup>29</sup> *Id.* at 15–16.

ATTY. CORTEZ:

Mr. Witness, where is Mr. Geertman now?

A: He died on July 3, 2012, Sir.

ATTY. CORTEZ:

Mr. Witness, how did he die?

A: He was shot, Sir.

ATTY. CORTEZ:

Mr. Witness, how did you get to know that he was shot on this date, July 3, 2012?

A: I was there when it happened, sir.

....

ATTY. CORTEZ:

Mr. Witness, why were you at [Alay] Bayan Luzon Office on that particular time on July 3, 2012?

A: I requested the office to allow me to use their internet, Sir.

ATTY. CORTEZ:

Mr. Witness, at the time that you were there, do you remember if something unusual occurred on that particular date and time?

A: I was busy trying to fix my story when I overheard some shoutings [sic] that to me at that time are somehow- I heard *hoy hay hoy hoy!*

ATTY. CORTEZ:

Mr. Witness, what was your reaction when you heard the noise?

A: At the moment, nothing as yet until I somehow sensed the change of tone, Sir.

ATTY. CORTEZ:

Mr. Witness, when you said change of tone, what do you mean by that?

A: The shoutings [sic] became more serious, and I overheard some cursings [sic], Sir.

ATTY. CORTEZ:

Mr. Witness, what was your reaction when you heard that the shoutings [sic] became more serious and you heard cursings [sic]?

A: I lifted my head and I saw Mr. Geertman being pushed to the pavement at a kneeling position, Sir.

ATTY. CORTEZ:

Mr. Witness, how far were you when you saw Mr. Geertman being pushed down to the pavement?

A: By my estimate, around 5 meters, Sir

ATTY. CORTEZ:

Mr. Witness, how many persons were pushing Mr. Geertman at that time?

A: I saw at least two (2), Sir.

9

ATTY. CORTEZ:

Mr. Witness, what happened after Mr. Geertman was pushed to the ground?

A: The man who put them [sic] on a kneeling position nearest to me, I saw the man poked [sic] a gun right at Mr. Geertman's back and popped one shot, fired one shot, Sir.

ATTY. CORTEZ:

Mr. Witness, which particular part of Mr. Geertman's back was the gun pointed at?

A: Right at the back and I believe it is- *"Katapat ng puso,"* Sir.

ATTY. CORTEZ:

Mr. Witness, what happened after he was shot at the back?

A: They let him loose so Mr. Geertman slanted to the pavement and he started tripping [sic], Sir

ATTY. CORTEZ:

Mr. Witness, how about you, what was your reaction after you saw Mr. Geertman [get] shot?

A: They caught me completely surprised [sic] and my involuntary reflex [-] I stood up. I was stunned by the whole situation, Sir.

ATTY. CORTEZ:

Mr. Witness, what happened after you stood up?

A: The shooter while retreating pointed his gun [at] me, Sir.

ATTY. CORTEZ:

Mr. Witness, in what direction did they go?

A: They retreated towards the gate, Sir.

ATTY. CORTEZ:

Mr. Witness, what happened after they retreated towards the gate?

A: I was hoping to catch whatever evidence or information I can get[,] perhaps a vehicle's plate number, so I gave [ ] a short chase[.] I also went out of the gate, Sir.

ATTY. CORTEZ:

Mr. Witness, what did you see when you went outside of the gate?

A: I saw a motorcycle already revving up, Sir.

ATTY. CORTEZ:

Mr. Witness, what happened after that?

A: The second man took the back seat, Sir.

ATTY. CORTEZ:

Mr. Witness, what happened to the third man?

A: The third man, the shooter[,] took the last portion of the backseat, Sir.

ATTY. CORTEZ:

Mr. Witness, what happened after the two gunmen were able to ride the motorcycle?

9

A: The shooter noticed me giving a short chase, pointed the gun [at] me again before they moved towards the gate of the L[&]S subdivision, Sir.

ATTY. CORTEZ:

Mr. Witness, what kind of motorcycle did they ride?

A: It's a solo motorcycle and the only color that I can recall is a bit of red, Sir.

ATTY. CORTEZ:

Mr. Witness, what was the plate number of the motorcycle, if you know?

A: I failed to catch the plate number of the motorcycle, Sir.

ATTY. CORTEZ:

Mr. Witness, to what direction by the way did the motorcycle go?

A: It drove speedily towards the gate of the L[&]S Subdivision, Sir.

ATTY. CORTEZ:

Mr. Witness, what did you do next after the motorcycle was able to speed away?

A: I requested the staff, Abby was still there, to help Mr. Geertman and take him to the hospital, Sir.

ATTY. CORTEZ:

Mr. Witness, can you describe to us the person whom you said shot Mr. Geertman?

A: He [was] about between 5'3 to 5'5 by my estimate, big-bodied, he was wearing a dark jacket, he was wearing a bull cap, Sir.

ATTY. CORTEZ:

Mr. Witness, how about the other persons accompanying the shooter?

A: I failed to see also [] the second or the back up as he was being covered up [sic] by the shooter but I could recall that he was also wearing a cap and a dark jacket, Sir.

ATTY. CORTEZ:

Mr. Witness, how long did it take for the man to shoot Mr. Geertman and then [] run away?

A: In my estimate, probably less than a minute, less than a second actually, it was too fast, Sir.

ATTY. CORTEZ:

**Mr. Witness, if you see the two men whom you described and who [] killed Mr. Geertman, will you be able to identify them?**

A: I'm not sure[], it was too fast, Sir.

ATTY. CORTEZ:

Mr. Witness, aside from the investigation conducted by the police, what other process were you asked to do in relation to the investigation of this case?

A: The police requested me to give the best description I can make, what I remember of the shooter, Sir.

Q

ATTY. CORTEZ:

Mr. Witness, what was the purpose of the police in asking you to give them the description of the shooter?

A: Just so they can come up with a sketch of how the shooter look like[sic], Sir.

....

ATTY. CORTEZ:

Mr. Witness, after the shooting incident, when was the time again that you were able to see an image of the two (2) shooters that you mentioned?

....

COURT:

Witness may answer . . .

A: As I recall I was shown some photos by the staff of [Alay] Bayan Luzon about three, five days after, Sir.

ATTY. CORTEZ:

Mr. Witness, if shown to you will you be able to identify the photographs that you mentioned?

A: Yes Sir.

ATTY. CORTEZ:

Mr. Witness, I am showing to you these four (4) still photographs, can you go over these and tell us whether these are the same still photographs which were shown to you a few days after the shooting incident?

A: Yes Sir, these are the same photographs that were shown to me.

ATTY. CORTEZ:

Mr. Witness, where were these still photographs shown to you?

A: At the [Alay] Bayan [Luzon] Office, Sir.

....

ATTY. CORTEZ:

Mr. Witness, why did they show these pictures to you?

A: At that moment, they were still trying to get any information they can get, Sir

ATTY. CORTEZ:

Mr. Witness, can you look at Exhibit "S", can you tell us who are the persons depicted in that picture?

....

A: I can see a motorcycle here with the same brand and the three people I do recall but then when the killers tried to escape, three of them rode a single motorcycle [sic]. As I can see they were heading towards the gate, Sir.

9

**ATTY. CORTEZ:**

**Mr. Witness, if you know[,] who are the persons depicted in that picture?**

**A: I can only make a determine [sic] as to their seating arrangement, the way there were seated on the motorcycle, Sir.**

**ATTY. CORTEZ:**

Mr. Witness, how about this Exhibit "T," what relation if any [does] those three persons depicted in the picture [have] to the persons you saw riding away from the gate of [Alay Bayan Luzon, Inc.] office after the shooting of Mr. Geertman?

**A: I can't still [sic] identify their faces**, what I can see is that they were wearing caps, the shooter was wearing a bull cap and the other one was wearing a cap, but in this picture they were no longer wearing caps, Sir.

**ATTY. CORTEZ:**

Mr. Witness, how about Exhibit "U," how are these persons depicted in this picture related to the persons you saw riding away from the [Alay Bayan Luzon, Inc.] office at the time of the killing of Mr. Geertman?

**A: I can only make reference as to their seating arrangement, the seating arrangement as far as I can refer[sic], the shooter can possibly be the one sitting last because he is the one I can recall when they were trying to escape, Sir.**

**ATTY. CORTEZ:**

Mr. Witness, how about Exhibit "V", do you know what is depicted in this picture?

**A: This is something I wasn't able to see, Sir.**

**ATTY. CORTEZ:**

Mr. Witness, you mentioned that you were asked to describe during the police investigation the physical features of the witness [sic] and you described the shooter and you said that the purpose for making a cartographic sketch - if you saw that cartographic sketch will you be able to identify it?

**A: Yes Sir.**

**ATTY. CORTEZ:**

Mr. Witness, I am showing to you this computer-generated sketch with identification number, case number CFC-033-12 dated July 5, 2012 from the Regional Crime Laboratory Office 3[,] Camp Olivas, San Fernando, Pampanga[.] [I]s this the sketch you were referring to, made during the police investigation?

**A: Yes Sir, this is the one I gave the police.<sup>30</sup> (Emphasis supplied)**

The foregoing statements taken together make it highly doubtful that the prosecution was able to identify Nuguid as the perpetrator of the crime; thus, the Court has its misgivings if it was indeed Nuguid who shot Geertman. To the Court's mind, **these inconsistencies are far**

<sup>30</sup> TSN, Wilfredo Villareal, August 15, 2016, pp. 7-21.

9

**from minor** as they pertain to the capability of said witnesses to ascertain the identity of the shooter who committed this heinous crime beyond a reasonable doubt.

Upon this point, when given the opportunity to confront the evidence against him (i.e., the still photos recovered from the CCTV footage of the incident), **Nuguid** vehemently denied that he was the person in the photos, even highlighting the apparent physical differences:

ATTY. OCAMPO:

The witness likewise identified pictures, still photographs marked as Exhibits "S," "T," "U," and "V," taken from the CCTV footages at L & S Subd., of three (3) persons riding in a motorcycle[.] [P]lease go over these pictures. I would like to confront you with these pictures marked as Exhibits "S," "T," "U," and "V," kindly inform this Honorable Court if you have seen the pictures prior to the filing of the Information [] against you before the City Prosecutor's Office in San Fernando, Pampanga?

A: No, Sir.

ATTY. OCAMPO:

PO3 Adrian Regala testified that the person who shot and robbed the victim, [was] one [] of those three (3) persons riding in tandem in the motorcycle. Please go over these pictures and inform the Honorable Court, if you are among those persons depicted in the pictures?

A: **No, Sir, I am not.**

....

ATTY. OCAMPO:

I am showing you this picture marked as Exhibit "U" for the prosecution, there is a person who is riding a motorcycle on the other end[] without bull cap and wearing [a] checkered polo shirt, could you kindly tell this Honorable Court[] if you are that person depicted in that picture?

A: **No, Sir.**

ATTY. OCAMPO:

I am showing to you another picture marked as Exhibit "S" and "T," these are close-up pictures of a man wearing polo shirt and without any bull cap, kindly tell this Honorable Court[] if you are this person depicted in these two (2) pictures?

A: **No, Sir.**

ATTY. OCAMPO:

**What make[s] you say that you are not that person depicted in these pictures?**

A: **The one [] depicted in this picture is dark and his eyebrows are thick, Sir.**

Q

INTERPRETER: Witness is referring to Exhibit "T".

**ATTY. OCAMPO:**

Let me confront you with another exhibit, Exhibit "W", a computerized facial illustration of cartography, kindly go over this Exhibit "W" this is a cartographical sketch of the alleged person who shot Mr. Geertman, if you are the same person depicted in the cartographic sketch or computerized facial illustration?

A: No, Sir.

**ATTY. OCAMPO:**

What makes you say that you are not that person?

A: His eyebrows are thicker than mine, and I have a cleft chin, one [] of the ears of the person depicted in the picture is "kuluping" (protruding ear), and mine is not, Sir.

PROS. BUMACOD:

May we suggest that it be quoted in vernacular, Your Honor.

COURT: What is that, "kuluping"?

PROS. BUMACOD:

That is the way he described, Your Honor, although the best evidence is the picture depicted there actually, Your Honor.

COURT: Okay, so "kuluping or nakapalabas" (protruding ear).

**ATTY. OCAMPO:**

How about your ears are they "kuluping or nakapalabas" (protruding ear)?

A: No, Sir.

**ATTY. OCAMPO:**

You were present when one of the prosecution witnesses[,] Vergel Garcia[,] testified before this Honorable Court on March 13, 2017[.] [H]e was asked[-] who was the person who shot Mr. Geertman[-] and Vergel Garcia testified that he was wearing [a] t-shirt, bull cap and pair of pants, what can you say, Mr. Witness?

A: The one he mentioned and pointed [to] in the picture [was] wearing a checkered polo shirt and not wearing a bull cap, Sir.

**ATTY. OCAMPO:**

The witness for the prosecution, Vergel Garcia, identified exhibit, a picture Exhibit "B-5."

PROS. BUMACOD: Exhibit "B-5"?

**ATTY. OCAMPO:**

Yes, have you seen this picture before, Mr. Witness?

A: No, Sir.

0

ATTY. OCAMPO:

Do you know the person who was pointing to a picture, mentioned to him[sic]?

A: Yes, Sir.

ATTY. OCAMPO:

What is the name of that person?

A: One [] of the witnesses, Sir, Vergel Garcia.

ATTY. OCAMPO:

**Vergel Garcia is pointing to man depicted in the picture wearing a checkered t-shirt without any bull cap, do you know the person?**

A: No, Sir.

ATTY. OCAMPO:

**Are you not the same person depicted in that picture?**

A: No, Sir.<sup>31</sup> (Emphasis supplied)

The inconsistent statements inexorably lead this Court to conclude that the prosecution failed to discharge its burden of proving the guilt of Nuguid for the crime beyond a reasonable doubt. It is elementary that the prosecution must rely on the strength of its evidence and not on the weakness of that of the defense. Since in the case at bench the evidence for the prosecution is weak and betrays a lack of concreteness, Nuiguid's defense of denial assumes importance.

Finally, the Court finds that the lower courts hastily brushed off Nuguid's defense of alibi, to the latter's detriment. In the case of *Lejano v. People*,<sup>32</sup> the Court expanded on the alibi versus positive identification conundrum, as follows:

The trial court and the CA are one in rejecting as weak Webb's alibi. Their reason is uniform: Webb's alibi cannot stand against Alfaro's positive identification of him as the rapist and killer of Carmela and, apparently, the killer as well of her mother and younger sister. Because of this, to the lower courts, Webb's denial and alibi were fabricated.

**But not all denials and alibis should be regarded as fabricated. Indeed, if the accused is truly innocent, he can have no other defense but denial and alibi.** So how can such accused penetrate a mind that has been made cynical by the rule drilled into his head that a defense of alibi is a hangman's noose in the face of a witness positively swearing, "I saw him do it."? Most judges believe that such assertion automatically dooms an alibi which is so easy to fabricate. This quick stereotype thinking, however, is distressing. For how else can the truth that the accused is really innocent have any chance of prevailing over such a stone-cast tenet?

<sup>31</sup> TSN, Marvin Nuguid, September 24, 2018, pp. 7-12.

<sup>32</sup> 652 Phil. 512 (2010) [Per J. Abad, *En Banc*].

There is only one way. A judge must keep an open mind. He must guard against slipping into hasty conclusion, often arising from a desire to quickly finish the job of deciding a case. A positive declaration from a witness that he saw the accused commit the crime should not automatically cancel out the accused's claim that he did not do it.<sup>33</sup> (Emphasis in the original)

Verily, the prosecution relied solely on the testimony of the prosecution witnesses that Nuguid was the one who shot Geertman. Aside from their positive identification, which the Court finds too unconvincing, no other legitimate and compelling evidence was offered to prove the veracity of the events as alleged. With this, Nuguid's justification of alibi finds stronger ground, and the Court is thus obliged to favor it while taking into absolute consideration the premise that reasonable doubt is sufficient to acquit an accused individual of the crime.

In *People v. Nuñez*,<sup>34</sup> the Court held, thus:

**Conviction in criminal cases demands proof beyond reasonable doubt. While this does not require absolute certainty, it calls for moral certainty.** It is the degree of proof that appeals to a magistrate's conscience:

**An accused has in his favor the presumption of innocence which the Bill of Rights guarantees. Unless his guilt is shown beyond reasonable doubt, he must be acquitted.** This reasonable doubt standard is demanded by the due process clause of the Constitution which protects the accused from conviction except upon proof beyond reasonable doubt of every fact necessary to constitute the crime with which he is charged. **The burden of proof is on the prosecution, and unless it discharges that burden the accused need not even offer evidence in his behalf, and he would be entitled to an acquittal.** Proof beyond reasonable doubt does not, of course, mean such degree of proof as excluding possibility of error, produces absolute certainty. Moral certainty only is required, or that degree of proof which produces conviction in an unprejudiced mind. The conscience must be satisfied that the accused is responsible for the offense charged.<sup>35</sup> (Emphasis supplied)

Our laws proscribe the conviction of the accused if doubt taints the circumstances of the crime. And for good reason. A man's life and liberty are not aspects to be trifled with, which is why only the most exacting standard is required in order to find a person criminally liable.<sup>36</sup> In this case, reasonable doubt is attendant as to the identity of the perpetrator of the crime. While the Court does not deny that a heinous crime was committed against Geertman,

<sup>33</sup> *Id.* at 581.

<sup>34</sup> 819 Phil. 406 (2017) [Per J. Leonen, Third Division].

<sup>35</sup> *Id.* at 445.

<sup>36</sup> *See Fernandez v. People*, 867 Phil. 977, 995 (2019) [Per J. A. Reyes, Jr., Second Division].

which caused his untimely demise, the Court does heavily question if Nuguid was the one who inflicted it. The inconsistent statements of the prosecution witnesses as to the real identity of the shooter and the material elements of the crime, coupled with the clear and convincing evidence of the petitioner, is enough reason to sway the mind of the Court and acquit Nuguid of the crime charged.

In light of the foregoing disquisitions, the Court is constrained to reverse the RTC and the CA rulings due to the presence of lingering cobwebs of doubt which are inconsistent with the requirement of guilt beyond reasonable doubt as the quantum of evidence to convict an accused in a criminal case. Nuguid is entitled to an acquittal, as a matter of right, because the prosecution has miserably failed to prove his guilt beyond reasonable doubt.

**ACCORDINGLY**, the instant Petition for Review on *Certiorari* is **GRANTED**. The January 20, 2021 Decision and the February 8, 2022 Resolution of the Court of Appeals in CA G.R. CR-HC No. 13548 are hereby **REVERSED and SET ASIDE**.

Petitioner Marvin M. Nuguid is **ACQUITTED** of the charge of murder for failure of the prosecution to prove his guilt beyond reasonable doubt.

Petitioner Marvin M. Nuguid is also **ORDERED** to be **IMMEDIATELY RELEASED** from confinement, unless he is being held for other lawful cause.

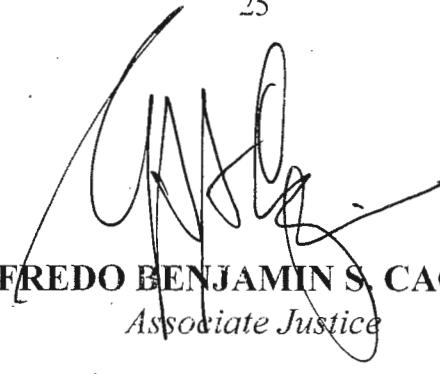
Let a copy of this Decision be furnished to the Director General, Bureau of Corrections, Muntinlupa City, for immediate implementation. Furthermore, the Director General of the Bureau of Corrections is **DIRECTED** to **REPORT** to this Court the action he has taken within five days from receipt of this Decision.

Let entry of judgment be **ISSUED IMMEDIATELY**.

**SO ORDERED.**

  
**JAPAR B. DIMAAMPAO**  
Associate Justice

**WE CONCUR:**

  
**ALFREDO BENJAMIN S. CAGUIOA**  
*Associate Justice*

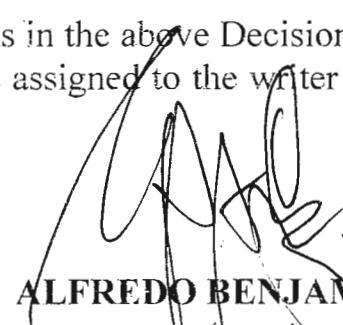
  
**HENRI JEAN PAUL B. INTING**  
*Associate Justice*

  
**SAMUEL H. GAERLAN**  
*Associate Justice*

On leave  
**MARIA FILOMENA D. SINGH**  
*Associate Justice*

#### **ATTESTATION**

I attest that the conclusions in the above Decision had been reached in consultation before the case was assigned to the writer of the opinion of the Court's Division.

  
**ALFREDO BENJAMIN S. CAGUIOA**  
*Associate Justice*  
*Chairperson, Third Division*

#### **CERTIFICATION**

Pursuant to Article VIII, Section 13 of the Constitution and the Division Chairperson's Attestation, I certify that the conclusions in the above Decision had been reached in consultation before the case was assigned to the writer of the opinion of this Court.

  
**ALEXANDER G. GESMUNDO**  
*Chief Justice*