



REPUBLIC OF THE PHILIPPINES
SUPREME COURT
Manila

SECOND DIVISION

NOTICE

Sirs/Mesdames:

*Please take notice that the Court, Second Division, issued a Resolution dated **03 February 2021** which reads as follows:*

“G.R. No. 253799 (*Sansarona A. Gumama v. People of the Philippines*).

Sansarona A. Gumama (Sansarona), together with Hadji Halim Abubacar (Halim), Hadji Ali T. Abubacar (Ali), Sihawe B. Abubacar (Sihawe), and Basari C. Dimakuta (Basari), were charged with murder and two counts of frustrated murder committed on March 4, 2009, at Piagna, Cabasagan, Pantao Ragat, Lanao del Norte.¹ Halim, Ali, and Sansarona were

¹ *Rollo*, pp. 45-47. The Informations against the accused reads as follows:

Criminal Case No. 2010-318 – for murder

That on or about March 4, 2009, at about 11:00 P.M. at Sitio Piagna, Cabasagan, Pantao Ragat, Lanao del Norte, and within the jurisdiction of this Honorable Court, the above-named accused, conspiring and confederating together and mutually helping one another, did then and there willfully, unlawfully and feloniously, with intent to kill and evident premeditation, attack, assault and shoot one DIOMEDES C. CHAVEZ using firearms which they were then provided, hitting him in different parts of his body which caused his instantaneous death, to the great damage and prejudice of said Diomedes Chavez and his heirs.

That the qualifying and aggravating circumstances of treachery, evident premeditation, nighttime and abuse of superior strength attended the commission of the crime considering the sudden and unexpected manner of the attack purposely sought to be executed during nighttime while the victim was asleep.

Contrary to Article [248] of the Revised Penal Code.

Criminal Case No. 2010-319 – for frustrated murder

That on or about March 4, 2009, at about 11:00 P.M. at Sitio Piagna, Cabasagan, Pantao Ragat, Lanao del Norte, and within the jurisdiction of this Honorable Court, the above-named accused, conspiring and confederating together and mutually helping one another, did then and there willfully, unlawfully and feloniously, with evident premeditation, abuse of superior strength and treachery, attack, assault and shoot one ROY C. CHAVEZ using firearms which they were then provided, thereby causing multiple injuries on his body which otherwise would have caused his death, thus performing all the acts of execution which should have produced the crime of Murder as a consequence, but nevertheless did not produce it by reason of causes independent of their will, that is by the timely and able medical assistance rendered to Roy C. Chavez which prevented his death.

Contrary to Article 248 in relation to Art. 50 of the Revised Penal Code.”

Criminal Case No. 2010-320 – for frustrated murder

That on or about March 4, 2009, at about 11:00 P.M. at Sitio Piagna, Cabasagan, Pantao Ragat, Lanao del Norte, and within the jurisdiction of this Honorable Court, the above-named accused, conspiring and confederating together and mutually helping one another, did then and there

arrested while Sihawe and Basari remained at large.² Trial against them was conducted separately because they were arrested on different dates.³

During Sansarona's trial, the prosecution adopted the evidence presented during the trial of Halim and Ali. In addition, the prosecution presented Ruel A. Espinoza⁴ (Ruel) and Roy C. Chavez (Roy) who testified that, on the night of March 4, 2009, they were sleeping in a bunk house at Cabasagan, Pantao Ragat, Lanao del Norte, with Diomedes C. Chavez (Diomedes) and Tammy Chavez when they were roused by gunshots which instantaneously caused the death of Diomedes, and gunshot injuries to Ruel and Roy. Ruel and Roy identified Sansarona and Basari as their assailants since they saw them through a hole on the wall. On the other hand, Sansarona denied the allegations and claimed that he was with his wife and mother at the time of the incident and was already asleep by 10:30 p.m. and woke up at around 5:30 a.m., of the following day.⁵

The Regional Trial Court (RTC) gave credence to the testimonies of Ruel and Roy, and found Sansarona guilty of murder. With respect to Ruel and Roy, the RTC held that there was no proof that their injuries were fatal; thus, Sansaraona was found guilty of two counts of attempted murder.⁶ On appeal, the Court of Appeals (CA) upheld the conviction of Sansarona, with

willfully, unlawfully and feloniously, with evident premeditation, abuse of superior strength and treachery, attack, assault and shoot one RUEL A. ESPINOSA using firearms which they were then provided, thereby causing multiple injuries on his body which otherwise would have caused his death, thus performing all the acts of execution which should have produced the crime of Murder as a consequence, but nevertheless did not produce it by reason of causes independent of their will, that is by the timely and able medical assistance rendered to Ruel A. Espinosa which prevented his death.

Contrary to Article 248 in relation to Art. 50 of the Revised Penal Code.

² Sansarona was arrested on July 1, 2014.

³ *Rollo*, p. 47. Halim was arrested on June 16, 2010, while Ali was arrested on March 27, 2013. The Regional Trial Court (RTC) dismissed the cases against Halim and Ali on September 22, 2010 and June 19, 2013, respectively, upon their demurrer to evidence.

⁴ Referred to as Ruel Espinosa in some parts of the rollo.

⁵ *Id.* at 47-49.

⁶ *Id.* at 45-51. The dispositive portion of the August 15, 2016 Judgment of the RTC reads:

WHEREFORE, premises considered and in view of the foregoing, the court renders judgment thus:

1. Finding accused Sansarona Gumama **GUILTY beyond reasonable doubt for the crime of murder in Criminal Case No. 2010-318**. He is hereby sentenced to suffer the penalty of **RECLUSION PERPETUA** and ordered to pay private complainant Gloria Chavez the following sums: (a) ₱75,000.00 as civil liability ex delicto; (b) ₱25,000.00 as temperate damages; (c) ₱30,000.00 as exemplary damages; and (d) ₱75,000.00 as moral damages;

2. Finding accused Sansarona Gumama **GUILTY beyond reasonable doubt for the crime of attempted murder in Criminal Case No. 2010-319**. He is hereby sentenced to suffer the indeterminate penalty of **Four years and Two months of prision correccional to Ten years of prision mayor** and to pay private complainant Roy Chavez the sum of P25,000.00 as temperate damages;

3. Finding accused Sansarona Gumama **GUILTY beyond reasonable doubt for the crime of attempted murder in Criminal Case No. 2010-320**. He is hereby sentenced to suffer the indeterminate penalty of **Four years and Two months of prision correccional to Ten years or prision mayor** and to pay private complainant Ruel Espinoza the sum of P25,000.00 as temperate damages.

SO ORDERED. *Id.* at 56-57.

modification as to his civil liabilities.⁷ Sansarona moved for reconsideration, but was denied.⁸ Hence, this petition.⁹

Sansarona argues that the prosecution failed to establish his guilt beyond reasonable doubt because there was no valid identification of him as the perpetrator of the crime. The testimonies of the prosecution witnesses – Lacson Lantud, Gloria Chavez, Casan Asis, and Dr. Michael Edmundo Bibera, are not eyewitnesses' accounts. Moreover, the alleged eyewitness accounts of Roy and Ruel are incredible for being inconsistent and contrary to human experience and behavior since they did not immediately report the incident they witnessed to the police.¹⁰

The petition is bereft of merit.

In every criminal case, the task of the prosecution is always two-fold, that is, (1) to prove beyond reasonable doubt the commission of the crime charged; and (2) to establish with the same quantum of proof the identity of the person or persons responsible therefor, because, even if the commission of the crime is given, there can be no conviction without the identity of the malefactor being likewise clearly ascertained.¹¹

Once the prosecution has discharged its burden of proof, the factual findings of the trial court, when affirmed by the CA, are generally binding and conclusive upon this Court.¹² When the credibility of the eyewitness is at issue, the trial court's calibration of the testimonies, its assessment of the probative weight, and its conclusions from the factual findings are accorded high respect and are even conclusive if supported by evidence.¹³ Absent any

⁷ *Id.* at 24-41, CA Decision dated May 23, 2019, penned by Associate Justice Florencio M. Mamaug, Jr., with the concurrence of Associate Justices Edgardo A. Camello and Walter S. Ong. The dispositive portion of which states:

WHEREFORE, the appeal is **DENIED**. The Decision of the Regional Trial Court, 10th Judicial Region, Branch 41 in Criminal Case No. 2010-318, finding Sansarona Gumama guilty beyond reasonable doubt of Murder is **AFFIRMED with MODIFICATION**:

The appellant is ordered to pay the private complainant Gloria Chavez the following damages: a) P75,000.00 as civil indemnity; b) P75,000.00 as moral damages; c) P75,000.00 as exemplary damages; and d) P50,000.00 as temperate damages.

In Criminal Case No. 2010-319 and Criminal Case No. 2010- 320, the decision of the court finding Sansarona Gumama guilty beyond reasonable doubt of Attempted Murder is **AFFIRMED with the following MODIFICATIONS**:

In Criminal Case No. 2010-319, the court finds accused Sansarona Gumama additionally liable to pay Roy Chavez the following: a) P25,000.00 as civil indemnity; b) P25,000.00 as moral damages; and c) P25,000.00 as exemplary damages.

In Criminal Case No. 2010-320, the court finds accused Sansarona Gumama additionally liable to pay Ruel Espinosa the following: a) P25,000.00 as civil indemnity; b) P25,000.00 as moral damages; and c) P25,000.00 as exemplary damages.

In addition, the civil indemnity, moral damages, exemplary damages and temperate damages payable by the appellant are subject to interest at the rate of six percent (6%) per annum from the finality of this decision until fully paid.

SO ORDERED. *Id.* at 39-40.

⁸ *Id.* at 43-44, Resolution dated August 18, 2020.

⁹ *Id.* at 4-20.

¹⁰ *Id.* at 8-10.

¹¹ *People v. De Guzman*, 690 Phil. 701, 709 (2012).

¹² *People v. Angelio*, 683 Phil. 99, 104 (2012).

¹³ *People v. Dayaday*, 803 Phil. 363, 370-371 (2017); *People v. Angelio, supra*; *People v. Musa*, 609 Phil. 396, 410 (2009).

clear showing that the trial court overlooked, misunderstood, or misapplied relevant and substantial facts, the Court will not disturb the trial court's findings.¹⁴

Here, as found by the RTC and affirmed by the CA, the prosecution, through the testimonies of Roy and Ruel, positively identified Sansarona as their assailant. Roy and Ruel testified in positive, candid, categorical, and unambiguous manner.¹⁵ The inconsistencies pointed out by Sansarona are minor and do not adversely affect their credibility. Their statements positively identifying Sansarona as their assailant were categorical, consistent, and credible.¹⁶ The positive identification made by Roy and Ruel prevails over Sansarona's defense of alibi. The pertinent portions of Roy and Ruel's testimonies, read:

Direct Examination of Roy Chavez –

Q: Can you still recall if there was any unusual incident that happened during that time?

A: Yes.

Q: Can you tell the court what that was?

A: We were ambushed.

Q: Who ambushed you?

A: Sansanora (sic) Gumama.

Q: Who else?

A: Basari Dimacota (sic).

Q: Can you look around the courtroom and tell the court if Sansanora (sic) Gumama is present?

A: Yes, he's here.

Q: Can you please point to him?

A: (Witness pointed to a man inside the courtroom who identified himself as Sansanora (sic) Gumama)

x x x x

Q: Do you know why you were shot?

A: No, I do not know the reason. I did not do anything wrong. They just shot us.

Q: Do you know what kind of firearm they used in shooting at you?

A: Yes- an M-14 and an armalite.

x x x x

Q: Mr. Witness, how did you happen (sic) that it was Sansanora (sic) Gumama who fired at you?

¹⁴ *People v. Atadero*, 648 Phil. 538, 552 (2010); *People v. Beduya*, 641 Phil. 399, 412 (2010); *People v. Rusiana*, 618 Phil. 55, 63 (2009).

¹⁵ *Rollo*, pp. 31-36.

¹⁶ *Id.* at 52.

A: I saw him.

x x x x

Q: How far were you from Sansarona Gumama and Basari Dimacota (sic) when they fired at you?

A: It was very near.

Q: How far?

A: Less than a meter.

Q: How did it happen that you were less than a meter from them?

A: I know that I was less than a meter from them because even the empty shells were also near us.

x x x x

Q: Why did you see them at that time?

A: Because I was able to peep through a small hole and the area was lighted. I am also familiar with them.

Re-direct Examination of Roy Chavez –

x x x x

Q: You also stated during the cross-examination that you hid inside the cabinet. Were you able to see your assailants after you hid inside the cabinet?

A: Yes, I saw them.

Q: And were you able to identify them as Sansarona Gumama and Basari Dimacota (sic)?

A: Yes.

Q: You said that you know them personally and you saw them at the market. Did you also have the occasion to meet the accused while your brother was still employed under Abubakar (sic)?

A: Yes, I saw Sansarona Gumama and the family of Abubakar (sic).

Direct Examination of Ruel Espinosa –

x x x x

Q: Mr. Witness, could you recall where were you on March 4, 2009 at about 11:00 o'clock in the evening?

A: Yes, Sir.

Q: Where were you?

A: I was in Piagma.

Q: Who were your companions at that time?

A: Roy Chavez, Tammy Chavez, Diomedes Chavez and me.

Q: Now, what were you doing at that time?

A: We were sleeping.

Q: Mr. Witness, could you recall of any unusual incident on that day and time?

A: When I woke up I heard a burst of a gun.

Q: You stated "Piagma", (sic) what is that a Barangay or a Municipality?

A: A sitio.

Q: What barangay?

A: Barangay Cabasagan.

Q: What Municipality?

A: Pantao-Ragat.

Q: Now, you stated that you were fired a gun, who fired a gun at you?

A: Sansarona and Basari Dimakuta.

Q: Did you see Sansarona? Will you please tell the court his complete name?

A: Sansarona Gumama.

Q: Will you please look around and tell the court if this Sansarona is in (sic) inside the courtroom?

A: Yes, Sir.

Q: Will you please point to him?

INTERPRETER: Witness pointed to a man inside the courtroom and identified himself as Sansarona Gumama

x x x x

Q: Mr. Witness, how did you came (sic) to know that it was Sansarona Gumama and Basari Dimakuta who fired a gun at you at that time?

A: I peeped and saw them.

Q: How were you able to see them?

A: After the burst of gunfire we were transferred to the next house and I saw them very near.

On clarificatory question from the court –

Q: Mr. Espinosa, did the court get you right when you said that you knew Sansarona Gumama long before the incident on March 4, 2009?

A: Yes, your Honor.

Q: How about Basari Dimakuta, did you know him long before the incident?

A: Yes, sir.

Q: Now, did you actually see Sansarona Gumama and Basari Dimakuta firing their guns towards your direction?

A: Yes, your Honor.¹⁷

In addition to the positive identification of the eyewitness-victims of the shooting incident, all the elements of the crimes have been established by

¹⁷ *Supra* note 14; *rollo*, pp. 31-36.

the prosecution. To warrant a conviction for the crime of murder, the following essential elements must be present: (1) that a person was killed; (2) that the accused killed him or her; (3) that the killing was attended by any of the qualifying circumstances mentioned in Article 248 of the Revised Penal Code; and (4) that the killing is not parricide or infanticide.¹⁸ In this case, there is no doubt that a shooting incident occurred in the evening of March 4, 2009, that resulted in the death of Diomedes and gunshot wounds to Roy and Ruel. From the testimonies of Roy and Ruel, Sansarona was among the perpetrators of the shooting. It was likewise established that the malefactors are not related to the victims to make the offense parricide or infanticide. Thus, the first, second, and fourth elements are present.

With respect to the presence of a qualifying circumstance, treachery attended the commission of the crime. Treachery is present when the offender commits any of the crimes against a person, employing means, methods, or forms in the execution thereof which tend directly and specially to insure its execution, without risk to himself arising from the defense which the offended party might make.¹⁹ For the qualifying circumstance of treachery to be appreciated, the following elements 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.²⁰ These are present here. *First*, the shooting was done at night when the victims were asleep, depriving them of any opportunity to defend themselves. The assault done by Sansarona and his colleagues capture the essence of treachery that the attack comes without a warning and in a swift, deliberate and unexpected manner, affording the hapless, unarmed, and unsuspecting victims no chance to resist or escape the sudden blow.²¹ *Second*, Sansarona and company used long firearms and indiscriminately fired at the bunk house where the victims were in slumber, showing that they consciously adopted means to insure the execution of the crime. Considering, however, that the injuries caused to Roy and Ruel were not serious and fatal, Sansarona is liable for attempted murder as correctly ruled by the RTC and the CA.

ALL TOLD, the petition shows no reversible error committed by the CA in rendering the assailed Decision and Resolution as to warrant this Court's exercise of its discretionary appellate jurisdiction. **ACCORDINGLY**, the petition is denied. The Court of Appeal's May 23, 2019 Decision and August 18, 2020 Resolution are affirmed that petitioner Sansarona A. Gumama is guilty of: (1) murder and is sentenced to suffer the penalty of *reclusion perpetua* and ordered to pay the heirs of Diomedes C. Chavez, ₱75,000.00 as civil indemnity, ₱75,000.00 as moral damages, ₱75,000.00 as exemplary damages, and ₱50,000.00 as temperate damages; and (2), two counts of attempted murder and is sentenced to suffer the

¹⁸ *People v. Manzano*, 827 Phil. 113, 139-140 (2018).

¹⁹ *Id.* at 140.

²⁰ *Id.* at 141.

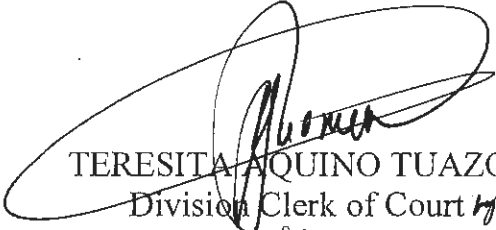
²¹ *Id.*

indeterminate penalty of four (4) years and two (2) months, as minimum, to ten (10) years, as maximum, and to pay ₱25,000.00 as civil indemnity, ₱25,000.00 as moral damages, and ₱25,000.00 as exemplary damages to each victim – Roy C. Chavez and Ruel A. Espinosa. The awards of damages shall earn legal interest at the rate of six percent (6%) *per annum* from the finality of this Resolution until fully paid.

Also, the Court resolved to **INFORM** the petitioner that she or her authorized representative may personally claim from the Cash Disbursement and Collection Division of this Court the excess payment of the prescribed legal fees in the amount of ₱470.00 under O.R. No. 0283533 dated 27 October 2020.

SO ORDERED.”

By authority of the Court:


 TERESITA AQUINO TUAZON
 Division Clerk of Court *by s/m*
 28 MAY 2021

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THE SUPERINTENDENT (reg)
 Davao Prison and Penal Farm
 B.E. Dujali Davao del Norte

HON. PRESIDING JUDGE (reg)
 Regional Trial Court, Branch 41
 Cagayan de Oro City
 (Crim. Case Nos. 2010-318, 2010-319 & 2010-320)

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