

Republic of the Philippines  
8<sup>TH</sup> JUDICIAL REGION  
**REGIONAL TRIAL COURT**  
BRANCH 19  
Catarman, Northern Samar

PEOPLE OF THE PHILIPPINES,  
*Complainant,*

Criminal Case Nos.

C-4408

C-4409

&

C-4410

Date Promulgated:

-Versus-

NICOLE JOHN MENDOZA DIN,  
MARIONE ESPINA CORONADO, &  
RICHIE REYMEL PERALTA ROLLO @ "CHAMEL,"  
*Accused,*

x-----x

**DECISION**

Stand for trial for three (3) counts of Homicide are accused NICOLE JOHN MENDOZA DIN (NICOLE), MARIONE ESPINA CORONADO (MARIONE), & RICHIE REYMEL PERALTA ROLLO "CHAMEL" (RICHE) for the deaths of AMBER LOU ADONGAY (AMBER LOU), PEDRO KIM ENGO (PEDRO KIM / KIM), and MARK ANTHONY SUMO-OK (MARK ANTHONY) under the following *Informations*, the accusatory portions of which read:

Criminal Case No. C-4408

“That in the afternoon of February 2007 at the lagoon in Scout City, University of Eastern Philippines, Municipality of Catarman, Province of Northern Samar, Philippines, and within the jurisdiction of this Honorable Court, the above-named accused armed with a paddle conspiring, confederating and mutually helping one another, with deliberate intent to kill without justifiable cause, did then and there, willfully, unlawfully and feloniously attack, assault AMBER LOU H. ADONGAY with the use of said weapon which the accused had provided themselves for the purpose and throw the latter into the water thereby causing the instant death of said AMBER LOU ADONGAY.

Criminal Case No. C-4409

“That in the afternoon of February 2007 at the lagoon in Scout City, University of Eastern Philippines, Municipality of Catarman, Province of Northern Samar, Philippines, and within the jurisdiction of this Honorable Court, the above-named accused armed with a paddle conspiring, confederating and mutually helping one another, with deliberate intent to kill without justifiable cause, did then and there, willfully, unlawfully and feloniously attack, assault MARK ANTHONY ORIGINAL SUMO-OK with the use of said weapon which the accused had provided themselves for the purpose and throw the latter into the water thereby causing the instant death of said MARK ANTHONY ORIGINAL SUMO-OK.

Criminal Case No. C-4410

“That in the afternoon of February 2007 at the lagoon in Scout City, University of Eastern Philippines, Municipality of Catarman, Province of Northern Samar, Philippines, and within the jurisdiction of this Honorable Court, the above-named accused armed with a paddle conspiring, confederating and mutually helping one another, with deliberate intent to kill without justifiable cause, did then and there, willfully, unlawfully and feloniously attack, assault PEDRO KIM ENGO with the use of said weapon which the accused had provided themselves for the purpose and throw



the latter into the water thereby causing the instant death of said PEDRO KIM ENGO.

With the assistance of counsel Atty. NATALIO W.C. ADRIATICO of the Public Attorney's Office (PAO), accused MARIONE and RICHE entered a NOT GUILTY plea for all the charges. On the other hand, accused NICOLE remained at large.

Accordingly, a joint pre-trial was conducted with the following stipulation of facts: (a) the defense admitted that whenever the government witnesses will mention the names RICHIE REYMEL PERALTA ROLLO @ "CHAMEL and NICOLE JOHN MENDOZA DIN they refer to the accused in these cases; (b) the defense admitted the place and time of the incident; and (c) the defense admitted also that the three victims are already dead.

After the termination of the pre-trial, trial proper ensued wherein the prosecution presented REDIO TEJERO, Dr. ALVIN A. DAVID, BRYAN G. BAENA, RUBEN DELA ROSA, and ELITO DE GUIA.

PEDRO TEJERO Jr. (PEDRO) was first presented to prove that he was the Barangay Secretary of UEP Zone 2 who recorded the alleged information of the drowning incident in a lagoon situated at Scout City, UEP, Catarman, Northern Samar and the confrontation between the accused and the victims' parents. He identified his signature on the minutes and that of the accused NICOLE and MARIONE and confirmed that it reflected all the questions and answers given by the accused. He further affirmed in the Minutes that AMBER LOU asked whether it was true that they went to Ronron.

The prosecution next presented Dr. ALVIN A. DAVID (Dr. DAVID), Chief Medico-Legal Officer of the National Bureau of Investigation (NBI), Manila. He identified his affidavit that he executed together with Dr. CESAR BISQUERA. He also identified the REPORT and his signature appearing thereon in relation to the exhumation he personally conducted on the cadaver of victim PEDRO KIM. Dr. DAVID substantially explained his findings that the injuries sustained by PEDRO KIM are not normal to be suffered by one who merely drowned in the water and were sustained prior to the latter's death. Relative to the injuries sustained by other victims MARK ANTHONY and AMBER LOU,



Dr. DAVID interpreted the findings made by Dr. BISQUERA. He identified the signatures of Dr. BISQUERA on the EXHUMATION REPORTS and LABORATORY REPORTS ON PATHOLOGY. He testified that the cause of abrasion on the left forehead of MARK ANTHONY was through contact while the incise wound was caused by a sharp instrument either by a knife or bolo. On the other hand, he stated that injuries sustained by AMBER LOU could not be caused by mere jumping into the water but by submerging her against rough surface and other force from a high. As to the scapular contusions on the head of AMBER LOU, Dr. DAVID opined that they were caused by a blunt instrument through forcible contact. He concluded that as the hematoma was found on the side of the head of the head of AMBER LOU, the victim did not dive into the water otherwise the hematoma or contusion would be produced on the area of the brain. Dr. DAVID added that the cephalhematoma on the occipital area of AMBER LOU was caused by a force from the back and would render the victim die as it produced the most subdural hemorrhage intercranial head bleeding. As to the examination of serous cavities, he continued that it is but normal for a person who suffered previously pneumonia or pneomities. When asked if the cause of death of AMBER LOU was esphyxia due to drowning, he claimed that the victim was submerged in the water. He finally declared that all the injuries described by Dr. BISQUERA were all sustained ante-mortem and the injuries sustained in the brain could have rendered the victim unconscious which resulted to the drowning of the victims.

Then presented was BRYAN AVELINO G. BAENA (BRYAN). He was a Punong Barangay of Zone 1, UEP, Catarman, Northern Samar and recalled to have received from MARIAN MARQUEZ one (1) piece of paddle and eventually turned to Atty. DANIELITO LALUSIS of the NBI.

RUBEN DELA ROSA (RUBEN) was next presented. He testified that at about 4:00 o'clock in the afternoon of February 2, 2007, he was at the house of BABY TURLA in UEP. While on his way home, a woman approached him asking for help to retrieve drowned victims. He acceded to the request for help. He proceeded to the Scout City with the woman and was able to recover the dead bodies of the victims.

The prosecution lastly presented EDITO E. DE GUIA (EDITO) and narrated that on February 2, 2007 at 2:00 o'clock in the afternoon, he was at the lagoon in Scout City, UEP to gather



some woods to be used for the repair of their house at the other side of the campus. His house is located just four (4) arms length to the lagoon. While gathering woods, he saw five (5) children of high school ages in the lagoon riding on a boat on a back and forth direction. He cautioned the children not to ride on a boat as they might be drowned as they maybe do not know how to swim. He continued collecting woods and suddenly he heard somebody jumped into the water. Then he heard a sound of something splashed on the water so he peeped to the lagoon about ten (10) arms length away and saw that somebody was being paddled and whipped on the water using a paddle. He finished gathering woods at about 2:00 o'clock in the afternoon and then he rested. He took a rest at the nearby house of KALOY. Moments later, he heard somebody requesting for help as someone was drowned in the lagoon. He urged RAFFY ADLAWAN to help the person. They went to the lagoon and they recovered three dead bodies. That during the retrieval operation, he noticed the presence of accused RICHIE and MARIONE. The latter is familiar to him even prior to the incident while the former is known to him being the son of MANO ROLLO.

The defense presented the lone testimony of accused RICHIE. He denied the killing of the victims and claimed that on June 22, 2007 at about 3:00 to 4:00 o'clock in the afternoon he was at the lagoon in Scout City, UEP with NICOLE, JOHN KIM, MARIONE, MARK ANTHONY, AMBER LOU and KIM. They were six (6) all of them. They sat down upon arriving in the lagoon near the shed, which is made of wood, and then went on boating. Thereafter, they all alighted from the boat. Then somebody, whom he could not recall anymore, invited them to go on swimming. KIM ENGO, AMBER LOU and MARK ANTHONY acceded the invitation and went on swimming while he remained at the nipa hut while he got lost on NICOLE and MARIONE. MARK ANTHONY and KIM used the boat and rowed it to the lagoon while AMBER LOU was at the river bank who later on swam to the boat to join MARK ANTHONY and KIM. Then he heard AMBER LOU shouting that he was drowning. He told MARK ANTHONY and KIM to help AMBER LOU. He jumped into the water and saw the trio holding each other. He approached them to help but they tried to hold him so he moved away as he found hard for him to help them. He went back to the river bank to look for something for them to hold and found a plastic sprinkler in a nearby school building and threw it to MARK but could no longer saw KIM and AMBER LOU. He went to the house of his Uncle JESSE BACALSO for help. He told his uncle about the incident. They went back to the lagoon together with the son of his Uncle JESSE, and found MARK ANTHONY and AMBER LOU already drowned. He noticed



MARIONE and NICOLE at the river bank sitting down, stooping, and crying. His Uncle JESS instructed him to inform the parents of the victims. Together with NICOLE and MARIONE, he was only able to contact KIM's parents. The lifeless bodies of the victims were brought to the hospital on board a private vehicle while he, together with NICOLE and MARIONE, boarded a tricycle and were brought to Catarman Municipal Police Station to give their statements about the incident.

### **Ruling of the Court**

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 a given, there can be conviction without the identity of the malefactor being likewise ascertained. In these cases, the prosecution had undoubtedly discharged its task in accordance with the required degree of proof.

After a painstaking evaluation, the Court finds no direct evidence through an eyewitness to the very commission of the act imputed to the accused. At times, however, resort to circumstantial evidence is imperative since to insist on direct testimony would, in many cases, result in setting felons free and deny proper protection to the community.

Section 4, Rule 133 of the Rules of Court, provides that circumstantial evidence is sufficient for conviction if the following requisites are complied with: (1) There is more than one (1) circumstance; (2) The facts from which the inferences are derived are proven; and (3) The combination of all the circumstances is such as to produce a conviction beyond reasonable doubt. All the circumstances must be consistent with one another, consistent with the hypothesis that the accused is guilty, and at the same time inconsistent with the hypothesis that he is innocent.

Thus, conviction based on circumstantial evidence can be upheld, provided that the circumstances proven constitute an

unbroken chain which leads to one fair and reasonable conclusion that points to the accused, to the exclusion of all others, as the guilty person. The guilt of the accused cannot be deduced from scrutinizing just one (1) particular evidence. **It is more like a puzzle which when put together reveals a convincing picture pointing to the conclusion that the accused is the author of the crime.**<sup>1</sup>

Here, the circumstances - (a) accused were seen by EDITO as companions of the victims in a lagoon where the incident happened; (b) MARIONE was identified who was then carrying a paddle; (c) an account of witness who saw that somebody was paddled and whipped on the water; (d) the existence of said paddle which was turned over to the barangay authority; and the (d) medico-legal findings as to the nature and number of injuries sustained by the victims - **lead to the reasonable conclusion that the accused indeed assaulted the victims with the use of a paddle.**

In *Caliso*,<sup>2</sup> it was stated that the identification of a malefactor, to be positive and sufficient for conviction, does not always require direct evidence from an eyewitness; otherwise, no conviction will be possible in crimes where there are no eyewitnesses. Indeed, trustworthy circumstantial evidence can equally confirm the identification and overcome the constitutionally presumed innocence of the accused.

Thus, the High Court has distinguished two types of positive identification in *Gallarde*,<sup>3</sup> to wit: (a) that by direct evidence, through an eyewitness to the very commission of the act; and (b) that by circumstantial evidence, such as where the accused is last seen with the victim immediately before or after the crime.

The Court said:

Positive identification pertains essentially to proof of identity and not per se to that of being an eyewitness to the very act of commission of the crime. There are two types of positive identification. A witness may identify a suspect or accused in a criminal case as the perpetrator of the crime as an eyewitness to the very

---

<sup>1</sup> Nover Bryan Salvador y De Leon vs. People of the Philippines, G.R. No. 164266, July 23, 2008)

<sup>2</sup> People vs. Caliso, G.R. No. 183830, October 19, 2011

<sup>3</sup> People vs. Gallarde, G.R. No. 133025, February 17, 2000



act of the commission of the crime. There may, however, be instances where, although a witness may not have actually seen the very act of commission of a crime, he may still be able to positively identify a suspect or accused as the perpetrator of a crime as for instance when the latter is the person or one of the persons seen with the victim immediately before and right after the commission of the crime. This is the second type of positive identification, which forms part of circumstantial evidence, which, taken together with other pieces of evidence constituting an unbroken chain, leads to only fair and reasonable conclusion, which is that the accused is the author of the crime to the exclusion of all others. If the actual eyewitnesses are the only ones allowed to possibly positively identify a suspect or accused to the exclusion of others, then nobody can ever be convicted unless there is an eyewitness, because it is basic and elementary that there can be no conviction until and unless an accused is positively identified. Such a proposition is absolutely absurd, because it is settled that direct evidence of the commission of a crime is not the only matrix wherefrom a trial court may draw its conclusion and finding of guilt. (*People of the Philippines vs. John Alvin Pondivida, G.R. No. 188969, February 27, 2013*)

The defense failed to attribute any ill motive on the part of prosecution's witness EDITO in testifying against the accused whom he identified in open court except NICOLE who is now a fugitive. Notably, no evidence was presented that said witness was moved by ill will against the accused sufficient to encourage him to fabricate tale before the court. Settled is the rule that the absence of evidence as to an improper motive strongly tends to sustain the conclusion that none existed and that the testimony is worthy of full faith and credit.<sup>4</sup>

The intent to kill is established not only by mortal wounds found on the victims as evidenced by EXHUMATION REPORTS and LABORATORY REPORTS ON PATHOLOGY but also the account of an eyewitness that the accused indeed assaulted the victims with a paddle. In fact, the doctors testified that the injuries sustained by the victims could have rendered them die and unconscious.

---

<sup>4</sup> People v. Ygot, GR No. 210715, July 18, 2016, 797 Phil. 87, 94



RICHIE simply denied the charge against them without any supporting evidence. Mere denial, without any strong evidence to support it, can scarcely overcome the positive declaration by the witness of the identity of the accused and his involvement in the crime attributed to him. Indeed, the positive testimony of EDITO outweighs the denial proffered by RICHIE. Why he could not secure the testimony of his Uncle JESSE and the latter's son to at least corroborate his testimony on some points is everybody's guess which was not explained by him.

Denial could not prevail over witness' direct, positive and categorical assertion. As between a positive and categorical testimony which has the ring of truth, on one hand, and a bare denial, on the other, the former is generally held to prevail. This is clearly shown in the evidence it presented during trial particularly the testimony of an eyewitness who gave a clear, consistent, and credible account of the events in a straightforward and candid manner. Settled is the rule that when the witness' testimony is straightforward, convincing, and consistent with human nature and the normal course of things, unflawed by any material or significant inconsistency, it passes the test of credibility, and the accused may be convicted solely on the basis thereof.

The Court finds that the accused were in conspiracy. To establish conspiracy, it is not essential that there be proof as to a previous agreement to commit a crime, it being sufficient that the malefactors shall have acted in concert pursuant to the same objective. In such a case, the act of one becomes the act of all and each of the accused will thereby be deemed equally guilty of the crime committed. In this case, the prosecution was able to present sufficient proof of concerted action which would demonstrate the accused' unity of design and objective by taking into account the number and the nature of injuries sustained by the victims and the accounts of the witnesses.

The Court notes that other accused NICOLE is still hiding and successfully evaded for a manhunt by the authorities. Such an "unexplained flight" is a circumstance from which an inference of guilt may be drawn. "*Indeed, the wicked flee when no man pursueth, but the innocent are as bold as a lion.*"<sup>5</sup> Flight

---

<sup>5</sup> People v. Camat, 677 SCRA 610, 667, July 30, 2012; See also Candelaria v. People, G.R. No. 209386, December 8, 2014



*man pursueth, but the innocent are as bold as a lion.*"<sup>5</sup> Flight betrays a desire to evade responsibility and is, therefore, a strong indication of guilt.<sup>6</sup>

In sum, the prosecution more than sufficiently established the guilt of the accused of the crime of Homicide. In a prosecution for homicide, civil indemnity and moral damages may be awarded without need of further proof than the victim's death. The monetary awards of PhP 50,000.00 in civil indemnity and PhP 50,000.00 in moral damages are in line with prevailing jurisprudence.

WHEREFORE, accused MARIONE ESPINA CORONADO and RICHIE REYMEL PERALTA ROLLO @ "CHAMEL" are found GUILTY beyond reasonable doubt for three (3) counts of the crime of Homicide for the deaths of AMBER LOU ADONGAY, PEDRO KIM ENGO, and MARK ANTHONY SUMO-OK under Article 249 of the Revised Penal Code and are hereby sentenced to suffer for EACH COUNT OF THE CRIME OF HOMICIDE the penalty of SIX (6) YEARS MINIMUM OF *PRISION MAYOR* as MINIMUM to FOURTEEN (14) YEARS MEDIUM of *RECLUSION TEMPORAL* as MAXIMUM and are further ordered individually to pay the HEIRS OF AMBER LOU ADONGAY, PEDRO KIM ENGO, and MARK ANTHONY SUMO-OK the amounts of PhP 50,000.00 as civil indemnity, PhP 50,000.00 as moral damages, and PhP 50,000.00 as temperate damages.

All damages awarded shall be subject to the rate of 6% legal interest per annum from the finality of this Decision until its full satisfaction.

*Costs de officio.*

---

<sup>5</sup> People v. Camat, 677 SCRA 610, 667, July 30, 2012; See also Candelaria v. People, G.R. No. 209386, December 8, 2014

<sup>6</sup> People v. Adviento, 668 SCRA 486, 500-501, March 20, 2012; People v. Cruz, 726 SCRA 608.



SO ORDERED.  
May 12, 2021;  
*In Chambers*, Catarman, Northern Samar.



**ARMANDO L. ROSADINO**  
Judge