

**\*\*Title:\*\***

People of the Philippines vs. Carlito Magbanua, Ben Santamina, and Ernesto Pinggo (213 Phil. 211)

**\*\*Facts:\*\***

On the evening of December 11, 1976, Carlito Magbanua, Ben Santamina, and Ernesto Pinggo, fishermen and crew members of the fishing boat Mizpah IV, were drinking brandy outside Leny Rodriguez's store in Recodo, Zamboanga City. Basiri Asimuddin, a member of the 462nd Philippine Constabulary (PC) Company, arrived, and as he stood outside the store with a Coke, the accused conspired to assault him. Magbanua embraced Asimuddin from behind while Pinggo held Asimuddin's hands and took his .45 caliber pistol, passing it to Santamina, who shot Asimuddin multiple times, killing him. Soldiers arrived and took Asimuddin to Brent Hospital, but he was declared dead on arrival. The following morning, the three accused were arrested, denied their involvement, but paraffin tests revealed gun powder residue on the hands of Magbanua and Santamina.

**\*\*Procedural Posture:\*\***

The accused were charged with murder before the Court of First Instance of Zamboanga City. Judge Abdulwahid A. Bidin found them guilty and sentenced them to reclusion perpetua and to jointly and solidarily indemnify the heirs of the deceased in the amount of ₱12,000, plus costs. They appealed to the Supreme Court. During the appeal, Santamina withdrew his appeal, leaving Magbanua and Pinggo's appeals to be considered.

**\*\*Issues:\*\***

1. The credibility of the eyewitnesses, Rahma Appang and Macrim Lukman, who had provided contradictory statements at different times.
2. Whether the trial court erred in convicting Ben Santamina based solely on the paraffin test indicating the presence of gunpowder on his hands.

**\*\*Court's Decision:\*\***

1. **\*\*Credibility of Witnesses:\*\***

The Supreme Court held that the contradictions in the affidavits and trial testimonies provided by Rahma Appang and Macrim Lukman were satisfactorily explained. The affidavits, which suggested "Erning" as the shooter, appeared to be influenced by the interrogator and were not taken in a formal setting. Their courtroom testimonies, identifying Santamina as the shooter, were deemed more credible. Precedents indicate that discrepancies between preliminary statements and court testimony do not necessarily

destroy the witnesses' credibility if satisfactorily explained.

## 2. **Paraffin Test and Conviction:**

While the trial court noted the paraffin test result as supporting evidence, it emphasized that the conviction was primarily based on the positive identification of Santamina by eyewitnesses. Therefore, the presence of gunpowder residues on Santamina's hands, combined with the credible eyewitness testimonies, was sufficient to affirm the trial court's decision.

### **Doctrine:**

#### 1. **Eyewitness Testimony and Affidavits:**

Discrepancies between preliminary affidavits and in-court testimonies are not unusual and do not automatically discredit the latter if properly justified. Eyewitness testimonies, when consistent and positively identifying the accused in open court, hold substantial probative value.

#### 2. **Paraffin Test:**

Presence of gunpowder residues strengthens circumstantial evidence but should not be the sole basis for conviction. The primary reliance on eyewitness testimonies aligns with jurisprudence upholding their superior weight over technical test results unless found otherwise unreliable.

### **Class Notes:**

- **Murder:** Defined under Article 248 of the Revised Penal Code, characterized by treachery, among others.
- **Credibility of Witnesses:** Curated testimonies are unreliable; in-court declarations carry more weight when discrepancies are satisfactorily explained.
- **Paraffin Test:** Indicative but not conclusive in determining guilt; must be corroborated by witness testimonies.

### **Historical Background:**

The case reflects the procedural rigor in the Philippine judiciary, emphasizing the weight of consistent and credible eyewitness accounts amidst disparities in pre-trial affidavits. It underscores the importance of holistic evaluation combining testimonies and forensic evidence in adjudicating criminal offenses, mirroring the broader judicial evolution towards comprehensive justice.