

PEOPLE OF THE PHILIPPINES, PLAINTIFF-APPELLEE, VS. ALFREDO LASCO Y CUETO, ACCUSED-APPELLANTS.

Ponente: BATO, JR., J.

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BATO, JR., J.:

Alfredo Lasco y Cueto appeals from the decision of the Regional Trial Court (RTC) of Manila, Branch 6, finding him guilty beyond reasonable doubt of murder in Criminal Case No. 91-92291.

The information filed on February 28, 1991, charging accused-appellant Lasco with the crime of murder, reads:

“That on or about February 15, 1991, in the City of Manila, Philippines, the said accused with intent to kill, with treachery and evident premeditation, did then and there wilfully, unlawfully and feloniously attack, assault, and use personal violence upon one Herminio Corpuz y Quiazon, by then and there stabbing the latter with a bladed weapon on the different parts of the body, thereby inflicting upon said Herminio Corpuz y Quiazon mortal stab wounds which were the direct and immediate cause of his death thereafter.

CONTRARY TO LAW.”[1]

Upon being arraigned, appellant pleaded not guilty.[2] Trial on the merits thereafter ensued.

The prosecution presented as witnesses the following: Leonila Pangan, Estela Ramos, PO3 Manuel Liberato and Dr. Marcial Ceñido. Their testimonies established the following:

Leonila Pangan, a resident of 1955 Jose Abad Santos Street, Barangay 229, Zone 21, Tondo, Manila, testified that accused- appellant Alfred Lasco is the Barangay Chairman of Barangay 230, Zone 21, Tondo, Manila. At around 11:30 to 12:00 in the evening of February 15, 1991, Leonila Pangan was outside her rented house playing “bingo” when she saw appellant Lasco approaching. He was carrying something pointed wrapped in a newspaper. When appellant Lasco reached the door of her rented house, he shouted that the said house will be demolished and that everybody living therein should leave. When nobody reacted, appellant Lasco kicked the door of Leonila Pangan’s rented house until it was destroyed. It was then that Herminio Corpuz, alias “Buboy”, came out of Leonila Pangan’s house and told appellant Lasco: “Freddie, tama na yan,” to which appellant Lasco answered: “Huwag kang makialam dito.” Herminio Corpuz then turned his back and attempted to leave but appellant Lasco suddenly pushed the former and stabbed him at the back with a knife, about eight to ten inches long. Herminio Corpuz fell down and as he stood up and faced appellant Lasco, the latter stabbed him again. Unarmed, Herminio Corpuz ran towards a well lighted alley but appellant Lasco followed suit and when he caught up with Herminio Corpuz, appellant Lasco stabbed him again. When Herminio Corpuz fell down, appellant Lasco ran away. Shortly thereafter, Herminio Corpuz was brought to the hospital where he was pronounced dead on arrival.

Estela Ramos, the owner of the house being rented by Leonila Pangan, corroborated the testimony of the latter that it was Alfredo Lasco who stabbed Herminio Corpuz.

In less than three hours after the incident, eyewitnesses Leonila Pangan and Vilma Villafior, gave their written statements to the police, pointing to appellant Lasco as the person who stabbed Herminio Corpuz. In connection

with this, PO3 Manuel Liberato of the Western Police District, was presented by the prosecution as he was the one who prepared the statements of Leonila Pangan and Vilma Villaflor. PO3 Manuel Liberato was also the one who prepared the booking sheet and arrest report of appellant Lasco.

Dr. Marcial Ceñido, the medico legal officer of the Western Police District who conducted the autopsy on the body Herminio Corpuz, concluded that the victim sustained three stabbed wounds, specifically, two at the left posterior shoulder and one at the right upper anterior thorax piercing the left lung and the right subclavian artery.

Appellant Lasco on the other hand raised the defense of denial and pointed to a certain “Boy Diablo”, as the one who stabbed Herminio Corpuz. Aside from appellant Lasco, the defense also presented Efren Ardales, Pastor Malabag, Liwayway Lasco and Cristina Lumawig, as witnesses. Hereunder is their version of the incident:

Appellant Lasco testified that at the time of the stabbing incident, he was already fast asleep at his residence when his barangay tanods, namely, Efren Ardales and Pastor Malabag, woke him up because there was a riot at the corner of Bukang Liwayway and Balintawak Streets, Tondo, Manila. About fifteen (15) people were involved in the riot, among them were Boy Diablo, Herminio Corpuz, as well as the father of Herminio Corpuz. When appellant Lasco and his barangay tanods reached the riot scene, appellant Lasco saw Herminio Corpuz approaching them as if asking for their help. But Herminio Corpuz collapsed before he could reach them. From the people around, he learned that Herminio Corpuz fought with Boy Diablo in the riot. Appellant Lasco immediately asked for help and decided to call the police for assistance. When the police arrived, he went with them to the police headquarters and was about to make a statement when Leonila Pangan turned up and accused him of stabbing Herminio Corpuz. Appellant Lasco claimed that Leonila Pangan, Estella Ramos, Vilma Villaflor and the family of Herminio Corpuz, all had an axe to grind against him because their houses were among those to be demolished for the government’s project of which he was a supporter.

Appellant Lasco’s claim that he was not the one who stabbed Herminio Corpuz was corroborated by his barangay tanods, namely, Efren Ardales and Pastor Malabag. Also, appellant Lasco’s claim that he was already sleeping when the stabbing incident happened was corroborated by his wife, Liwayway Lasco. The defense also presented Cristina Lumawig, who testified that appellant Lasco was not present when Herminio Corpuz was stabbed. She was about four meters from where Herminio Corpuz was stabbed but she did not recognize the person who stabbed Herminio Corpuz because the place where the stabbing incident happened was dark. She however saw that a knife was used to kill Herminio Corpuz.

On May 27, 2002, the RTC rendered the assailed Decision, to wit:

“WHEREFORE, premises considered, the Court is convinced that the prosecution has proved the guilt of accused ALFREDO LASCO Y CUETO beyond reasonable doubt of the crime of MURDER. Judgment is hereby rendered, sentencing him to suffer an indeterminate sentence of TWENTY (20) YEARS AND ONE (1) DAY TO (sic) RECLUSION PERPETUA, and to indemnify the heirs of Herminio Corpuz y Quiazon “alias Buboy”, the amount of Fifty Thousand Pesos (P50,000.00). Costs against the accused.

SO ORDERED.”[3]

Hence, this appeal.

In his brief, appellant imputes to the RTC the following errors:

"(a) The Court has seriously and gravely (sic) in finding evidence of treachery to the crime of murder, and to which the Court has contradicted its earlier findings.

(b) The Court further erred in convicting the accused of murder in absence of the circumstance of evident

premeditation.

(c) In absence of any proof or evidence of treachery and the circumstance of evident premeditation, the Court could have convicted the accused for the crime of homicide and not for the crime of Murder.”[4]

In brief, the issues raised call for the resolution of: whether or not the testimonies of the alleged eyewitnesses presented by the prosecution are credible, and whether, appellant Lasco should be convicted only of homicide instead of murder.

Appellant Lasco’s appeal must fail.

Appellant Lasco’s claim that he is being falsely accused of killing Herminio Corpuz because the family of the latter, including the alleged eyewitnesses presented by the prosecution had an axe to grind against him, is too superficial. The testimony of eyewitness Leonila Pangan, upon which the RTC heavily relied upon in convicting appellant Lasco, should be given credence. For one, she was not even the owner of the house that was about to be demolished. Notably, she was just renting a part of the house from Estela Ramos. For another, the transcript of stenographic notes reveal that Leonila Pangan testified in a categorical, straightforward, spontaneous and frank manner and remained consistent during the cross-examination. Thus, we see no reason to depart from the well-established principle that findings of the trial court pertaining to the credibility of a witness is entitled to great respect since it had the opportunity to examine her demeanor as she testified on the witness stand and, therefore, can discern if such witness is telling the truth or not.[5]

Necessarily, appellant Lasco’s defense of denial crumbles in the face of the positive identification made by the eyewitnesses presented by the prosecution. For it is an oft-quoted doctrine that positive identification prevails over the denial of the accused.[6] What is more, appellant Lasco’s claim that Herminio Corpuz was killed during a riot was proven false by the certification[7] issued by the Barangay Chairman of Barangay 229, Zone 21, the place where the stabbing incident happened, to the effect that no riot happened in the said barangay on the night of February 15, 1991.

On the issue of whether or not the RTC correctly appreciated the qualifying circumstance of treachery, appellant Lasco insists that there was no treachery based on the testimony of prosecution witness Leonila Pangan who testified that there was allegedly a verbal exchange between him and Herminio Corpuz before he allegedly pushed the latter and stabbed him at the back.

We uphold the RTC’s ruling that treachery qualified the killing of Herminio Corpuz to murder. There was no argument between appellant Lasco and Herminio Corpuz prior to the stabbing incident. As a matter of fact, the reason why Herminio Corpuz turned his back from appellant Lasco was to avoid any arguments. The evidence of the prosecution shows that appellant Lasco suddenly and successively stabbed the unarmed victim, Herminio Corpuz, without risk on his part. The initial attack on Herminio Corpuz was made after he turned his back from appellant Lasco. After which, when Herminio Corpuz ran away, he was chased by appellant Lasco and stabbed again. All the foregoing clearly reveal the existence of treachery. The essence of treachery is the sudden and unexpected attack by an aggressor on the unsuspecting victim, depriving the latter of any chance to defend himself and thereby ensuring its commission without risk of himself.[8] Moreover, there is treachery where the victim after the first stabbing, runs away and is pursued by his assailants and in that defenseless state stabbed once more.[9]

But before we write *finis* to the instant case, we cannot help but point out that the trial court committed an error in imposing the penalty of twenty years and one day of reclusion perpetua. *Apropos hereto* is the case of *People vs. Bates*,[10] viz:

“For the guidance of the bench and bar, it must be mentioned that the trial court committed an error in imposing the penalty of ‘forty (40) years of reclusion perpetua’. We reiterate our earlier pronouncements in a number of cases that while Section 21 of RA No. 7659 amended Article 27 of the Revised Penal Code by fixing the duration of reclusion perpetua from 20 years and 1 day to 40 years, reclusion perpetual remains to be an indivisible penalty in the absence of a clear legislative intent to alter its original classification as an indivisible penalty. Hence, in applicable cases such as the present case, ‘reclusion perpetua’ should simply be imposed without specifying its duration.”[11]

WHEREFORE, the Decision of the Regional Trial Court of Manila, Branch 6, finding accused-appellant Alfred Lasco guilty beyond reasonable doubt of MURDER is AFFIRMED and he is hereby sentenced to the penalty of RECLUSION PERPETUA.

SO ORDERED.

Abdulwahid [*],(Acting Chairman) and Asuncion-Vicente, JJ., concur.

[*] Acting Chairman vice J. Sabio, Jr. per Office Order No. 269-06-RTR dated October 19, 2006.

[1] Records, p. 1.

[2] Records, p. 29.

[3] RTC Decision, Records, pp. 331-338, 337-338.

[4] Rollo, pp. 78-93, 80.

[5] People vs. Ponce, 197 SCRA 746, 754 [1991].

[6] People vs. Zamora, 278 SCRA 60, 75 [1997].

[7] Records, p. 23.

[8] People vs. Escote, Jr., 400 SCRA 603, 632-633[2003]

[9] People vs. Labinia, 115 SCRA 223, 231[1982]

[10] 400 SCRA 95 [2003].

[11] Ibid, p. 108.

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