

**PEOPLE OF THE PHILIPPINES, PLAINTIFF-APPELLEE, VS.
GUILLERMO EGARAS, CLETO EGARAS, AND VICENTE EGARAS,
DEFENDANTS-APPELLANTS.**

G.R. No. L-33357. July 29, 1988

Ponente: GRIÑO-AQUINO, J.

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GRIÑO-AQUINO, J.:

The brothers Guillermo, Cleto, and Vicente Egaras, who enjoyed a reputation for notoriety in the small town of Dumarao, Capiz, were charged with murder in the Circuit Criminal Court of Roxas City in Criminal Case No. CCC-XI-97 in an information which reads as follows:

“That on or about March 26, 1970, in Bo. Salcedo, municipality of Dumarao, province of Capiz, Philippines, within the jurisdiction of this Court, the above-named accused, armed with homemade shotgun, bolo and pointed weapon, respectively, with treachery, conspiring and helping one another, did then and there wilfully and feloniously shoot, bolo and stab one Eustaquio Hemor, thereby inflicting wounds on the different parts of the body of the latter which caused his death.

"That due to the death of said Eustaquio Hemor, his heirs suffered and are entitled to a death indemnity of P12,000.00, an indemnity for the loss of the earning capacity of the deceased, and moral damages for mental anguish.

“Contrary to law.” (p. 3, Rollo.)

Upon arraignment on September 14, 1970, all the accused, assisted by counsel, pleaded not guilty.

The evidence shows that at around five o'clock in the afternoon of March 26, 1970, Eustaquio Hemor fetched his friend and neighbor, Rafael Perote, from his house in Barrio Salcedo, Dumarao, Capiz, and together they walked to the store of Agapito Caposo near the railroad station, to buy cigarettes. They tarried in the store to engage in conversation with some barriomates. After darkness fell, they decided to go home via the railroad tracks. Hemor walked ahead of Perote by about five arms length. When they reached a part of the tracks opposite Polding Halaba's store, which stood some 40 meters off the railroad tracks, Perote heard a gun burst and saw his friend Eustaquio fall. In an instant, he saw Guillermo Egaras armed with a homemade shotgun, shouting "Lab-a na, kay akon na siya guin luthang!" (Bolo him, I have already shot him!). Cleto Egaras thereupon hacked Eustaquio on the chin with his bolo while Eustaquio lay on the ground. As the hapless victim tried to roll away, Cleto boloed him on the right side of the body and on the back of his head. Vicente Egaras also rushed forward and stabbed Eustaquio on his Adam's apple, his breast, and on the waist. Fortunately for Perote, the darkness concealed him from Eustaquio's attackers who bragged that “if the companion of Hemor were around, we would finish him.” Perote hid in the sugar cane field for about an hour until it was safe for him to go home. When he was approaching Eustaquio's house, he met uniformed policemen. He informed them that Guillermo alias "Gomong," Cleto, and Vicente alias "Itik," all surnamed Egaras, killed Eustaquio Hemor. They proceeded to Eustaquio's house to notify his wife, Maria Pabay. She went with them to the scene of the crime, where they found

Eustaquio's lifeless body.

The post-mortem findings of Dr. Romeo M. Bocala, rural health physician of Cuartero, Capiz, showed that Eustaquio sustained twenty-one (21) wounds in different parts of his body, eleven (11) of them penetrating and fatal. Four of them were gunshot wounds, one penetrating the skull.

The defense of each of the accused was an alibi.

Guillermo Egaras alleged that at around three o'clock on the afternoon of March 26, 1970, he was in the house of Engineer Freires in Buntog, Dumalag, Capiz, to collect his wages as a brick layer in the construction of the engineer's house. He was informed by the engineer's daughter that her father had not arrived home yet, so he decided to wait. He was paid P21 as his wages at around 6:20 p.m. A few minutes later, he left Buntog by train for Cubi, Dumarao, where he passed by the store of Ruperto Halaba to pay his P5 debt for past purchases of cigarettes and Shoc Tong (a liquor). There he came upon his brother Cleto who was betting in a game of lucky-nine. He joined the game. After an hour, they left the store, arriving home at past eight o'clock in the evening. They did not go out anymore. He denied that he carried a "pugakhang" (homemade gun) on that day. Guillermo's alibi was corroborated by Engineer Freires, Ruperto Halaba, and his brother Cleto Egaras.

Cleto Egaras declared that at around 3:00 p.m. on March 26, 1970, he went to the volleyball court at Barrio Cubi. He allegedly played with Dominador and Rolando Depetillo, Joseph and Angelino Halaba. The opposing team was from Barrio Ramos. After the game, he went to Ruperto Halaba's store to rest. He drank coca-cola and later Shoc Tong. Guillermo arrived by train shortly and they played lucky-nine. He denied going to Barrio Salcedo that day.

Vicente Egaras alleged that since March 22, 1970, he had been vacationing in the house of his friend Leonilo Funa in Pototan, Iloilo. Funa had stayed with him in Cubi since March 8, 1970 to help in the harvesting of palay from Egaras' 22-hectare riceland. When Funa returned to Pototan on March 22, 1970, Vicente allegedly went along.

Corporal Leovigildo Hiñola of the Dumarao Police Force, who was acting chief of police at the time, testified for the accused. He declared that at around six o'clock in the evening of March 26, 1970, Cesar Bandola reported to him that a dead man lay near the railroad tracks. He contacted the barrio captain Agapito Caposo. With some policemen, they repaired to the scene of the crime. Hemor's wife, Perote, and some constabulary investigators were already there. Inexplicably, Hiñola was reluctant to arrest the Egaras brothers. He did not investigate Perote because he allegedly "believed Perote did not know anything about the incident." Neither did he file a complaint. Hemor's wife and Perote had to seek the help of the Capiz constabulary to file the proper charges against the Egaras brothers. Sergeant Rene Alvarez of 311th PC at Loctugan Hills, Roxas City, filed the complaint.

After the trial, the court a quo rendered judgment on February 20, 1971, convicting the three defendants of murder and sentencing each of them to suffer the penalty of reclusion perpetua. The dispositive portion of the decision reads:

"Considering the foregoing, the Court finds CLETO EGARAS, GUILLERMO EGARAS, and VICENTE EGARAS, guilty beyond reasonable doubt of MURDER. There being no aggravating or mitigating circumstances to be considered, the Court sentences each of the above-named accused to suffer RECLUSION PERPETUA; each of the accused to pay the proportionate cost of the proceedings; to indemnify the heirs of the deceased Eustaquio Hemor, jointly and severally, the sum of Twelve Thousand (P12,000.00), and an additional award of Ten Thousand Pesos (P10,000.00) as exemplary and moral damages." (p. 28, Rollo.)

The accused appealed, alleging that the lower court erred: (1) in finding them guilty of murder; (2) in giving full

credit to the lone testimony of Rafael Perote; (3) in rejecting their defense of alibi; (4) in discounting the testimony of Corporal Hiñola; and (5) in not acquitting them on the ground that their guilt had not been proven beyond a reasonable doubt.

Appellants' appeal is devoid of merit.

In finding the accused guilty of murder, the trial court, leaned heavily on the candid and straightforward testimony of the eyewitness, Perote, which the defense witnesses, who contradicted each other, vainly tried to overcome. Great weight and respect should be accorded the trial court's findings.

The qualifying circumstance of treachery was proven at the trial. There was alevosia because the unarmed and unsuspecting victim was ambushed in the dark, without any risk to his assailants (*People vs. Ebor*, 141 SCRA 282, *People vs. Maranan*, 146 SCRA 243; *People vs. Asil*, 141 SCRA 286; *People vs. Pacada, Jr.*, 142 SCRA 427).

Appellants' defense of alibi, by nature a weak defense, was properly rejected by the trial court. First, because it was not supported by clear and convincing evidence. The accused failed to show that it was impossible for them to have been at the place and time the crime was committed (*People vs. Cruz*, 142 SCRA 546, *People vs. Abigan*, 144 SCRA 130). Barrio Cubi is only two (2) kilometers distant from Barrio Salcedo where Hemor was killed. That short distance could be negotiated in a few minutes by the suburban train.

Vicente Egaras, who was supposedly spending a lenten vacation in Petotan, Iloilo, did not prove that he could not have possibly gone to Barrio Salcedo by train during the Holy Week (March 26 fell on Holy Wednesday). His alibi was not corroborated by his friend Funa.

Secondly, the alibis of the accused may not prevail over the positive testimony and identification made by Perote that the Egaras brothers killed Hemor (*People vs. Garcia*, 141 SCRA 336).

Furthermore, the very alibis of the accused Guillermo and Cleto Egaras placed them in the evening of March 26, 1970 in the store of Ruperto Halaba in the vicinity of the railroad tracks where Hemor was killed. They admittedly had drunk Shoc Tong, a strong Chinese gin, in Halaba's store. The liquor had gone to their heads resulting in their sudden and senseless attack on Hemor.

The Court disregarded Corporal Hiñola's gratuitous opinion that Perote did not know anything about the killing.

The categorical declarations of the principal witness for the prosecution on the details of the crime were correctly given more weight by the trial court than the denials and uncorroborated alibis of the accused (*People vs. Tan, Jr.*, 145 SCRA 614). Perote's testimony, even if uncorroborated, was sufficient to convict the accused because it was given unhesitatingly and in a straightforward manner, and it was full of details which by their nature could not have been merely invented (*People vs. Cuya, Jr.*, 141 SCRA 351). Though he was the lone eyewitness to the crime, his testimony was properly given full credit for, as has been aptly said in *People vs. Dagangon*, 145 SCRA 464, "witnesses are to be weighed, not numbered."

The decision of the trial court finding the appellants guilty beyond reasonable doubt of murder for the heinous killing of Eustaquio Hemor, is correct.

WHEREFORE, the appealed decision is AFFIRMED, with the exception of the death indemnity payable by the accused to the heirs of the deceased Eustaquio Hemor, which is hereby increased to P30,000.

SO ORDERED.

Narvasa, Cruz, Gancayco, and Medialdea, JJ., concur.

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