

PEOPLE OF THE PHILIPPINES, PLAINTIFF-APPELLEE, VS. BIENVENIDO HINLO Y CANALIJA, DEFENDANT-APPELLANT.

G.R. No. L-48548. January 27, 1981

Ponente: DE CASTRO, J.

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DE CASTRO, J.:

Appeal from the decision of the Court of First Instance of Rizal, finding Bienvenido Hinlo y Canalija guilty of murder for the killing of Hilarion Martin and sentencing him to reclusion perpetua, and to indemnify the heirs of the victim in the amount of P12,000.00 and to pay costs.[1]

As proven by the evidence of the prosecution the crime was committed as follows, quoting from the People's brief:[2]

"This incident happened on the evening of May 8, 1977 at Almanza, Las Piñas, Metro Manila. Earlier that evening, accused-appellant must have had a quarrel with his wife, because he was seen by his neighbors slapping the latter. No one dared to pacify him (accused-appellant), as he threatened to stab anyone who came to intervene. In fact, even Saturnina Petilla, aunt of the owner of the house where accused-appellant was residing, was almost stabbed when she went there to intervene, as she was chased by the accused-appellant with a knife, shouting: 'Ikaw isa ka rin!' (pp. 22-25, t.s.n., De Guzman).

"Luckily, accused-appellant did not continue chasing her (Petilla). Instead, he (accused-appellant) proceeded towards the house of Lolita Manalili, which was formerly used as a store. Inside the house were the victim Hilarion Martin, together with one Benjamin Dayuta and the latter's helper. They were fetching water from the artesian well just opposite the street, and were resting inside the house while waiting for their containers to be filled, when all of a sudden accused-appellant entered and, without warning, started stabbing the victim twice and Dayuta once. The victim was hit twice at the back penetrating the posterior aspect of his chest, as he was then sitting with his back towards the door, busy conversing with Dayuta, when the accused-appellant unexpectedly stabbed him (victim) from behind unnoticed; thus, giving the latter no opportunity to defend himself and/or escape injury. In the case of Dayuta, he was hit on the right upper arm as he was able to instinctively parry accused-appellant's thrust. (pp. 8-12, 24-25, Ibid).

"Thereafter, the three stepped out and ran. Neighbors who came to their rescue carried the victim and helped Dayuta board a jeep that brought them to the Perpetual Help Medical Center in Pamplona, Las Piñas, Metro Manila, where the victim expired shortly after arrival (pp. 5-6, 13-14, Ibid). A request to autopsy the victim's body was then made to the NBI (Exhibit "A"). Accordingly, an autopsy was conducted on the cadaver of the victim by Dr. Virgilio Gernale, a medico-legal officer of the NBI, after the victim's body was identified by his brother at the Funeraria Rizal where it was brought (Exhibit "B"). After taking pictures of the victim's wounds (Exhibits "C-1" to "C-3"), Dr. Gernale examined the same. He then issued a necropsy report (Exhibit "D")

wherein he described the two stab wounds and stated the cause of death of the victim as: "Hemorrhage, severe, secondary to stab wound of the chest, right side, posterior aspect." According to him, (Dr. Gernale), the assailant must be standing behind the victim when the wounds were inflicted with the use of a sharp edge, single bladed instrument (pp. 2-9, Ibid).

"Meanwhile, after stabbing the victim and Dayuta inside the house of Manalili, accused-appellant escaped towards an alley where he met and also stabbed a certain Juan Padayao. By this time, news of the stabbing incident reached the relatives of the victim as they started looking for the accused-appellant (pp. 25-26, Ibid), who was later arrested by a policeman and a barangay official. They brought him to the municipal hall of Las Piñas, Metro Manila where he was detained (pp. 13-14, t.s.n., Cruz)."

Appellant would impute error to the trial court in giving credence to the two eye-witnesses of the prosecution, Benjamin Dayuta and Saturnina Petilla, alleging that not only are their testimonies inconsistent with each other, but also that each testimony is self-contradictory and improbable, and in addition, witnesses who could have given more reliable testimony were not presented, thereby demonstrating further, by this supposed suppression of evidence, the untrustworthiness of the aforementioned state witnesses' testimony. Appellant has pointed out where the alleged inconsistencies, self-contradictions and improbabilities lie. Going over how each and every one of them were shown by the Solicitor General not to be such as claimed by the appellant, We find the efforts of the said counsel to have convincingly achieved his ends, as can best be demonstrated by quoting from appellee's brief^[3] the following:

"(a) The fact that Saturnina Petilla testified that only the victim and Benjamin Dayuta were inside the house of Lolita Manalili when the incident happened does not necessarily contradict the testimony of Dayuta that, aside from them (Dayuta and victim), they had a third companion (Dayuta's helper). True, there was no barrier between her (Petilla) and the place of the incident, which was about five arms length away. But the fact, however, is that she was outside looking through the door which was partly opened. Naturally, she could not have seen the four corners of the room where the incident happened as the partly opened door reveals only a portion of the room. And, being a mere helper, it is safe to assume that this third companion was sitting at a corner a little bit farther from the two (Dayuta and victim). This explains why Petilla only saw Dayuta and the victim at the time of the incident;

"(b) There is actually no real inconsistency between Dayuta's testimony that the victim when stabbed was sitting with his back towards the door from that of Petilla that the accused-appellant stabbed the victim when the latter already fell on the floor. It will be recalled that accused-appellant stabbed the victim twice. Hence, it could be that Petilla was describing the position of the victim at the time he was stabbed the second time when he was already felled by the first stab. In the case of Dayuta, he was describing the position of the victim at the time accused-appellant started to stab him (victim);

"(c) The testimonies of prosecution witnesses Benjamin Dayuta, Saturnina Petilla and Lolita Manalili complement rather than contradict each other as alleged (p. 8, Appellant's Brief). Thus, when Manalili, owner of the house, left a short while before the incident, she closed the door, which the accused-appellant opened when he entered; hence, the testimony of Petilla that the door was partly opened at the time of the incident. In the case of Dayuta he could not say whether or not the door was closed at the time of the incident because he did not notice the entry of accused-appellant as he was then busy conversing with the victim;

“(d) There is no material contradiction between the testimony of Dayuta to the incident occurred at about 9:00 o'clock in the evening of May 8, 1977 and that of the testimony of Petilla that it occurred at around 9:30 o'clock that same evening. For, the testimonies of both witnesses, as to the time of the incident, are only their estimates and, both cannot be expected to estimate time with exact mathematical precision. If at all, it demonstrates that neither witness was coached or rehearsed before they testified;

“(e) Petilla's testimony that the only things inside Manalili's house were a set and a table, does not necessarily contradict that of Dayuta that there was a jukebox inside the house where the stabbing took place. Considering that the place was no longer used as a store, the jukebox must have been placed in a secluded corner of the house; hence, the same might not have been seen by Petilla, who was looking only through the door, which was partly opened by accused-appellant;

“(f) This is also true in the case of Dayuta's stabbing. The fact that Petilla did not see the stabbing does not necessarily contradict the testimony of Dayuta that he (Dayuta) was also stabbed by the accused-appellant before he stepped out of the house. For, it was possible for Petilla not to have seen the stabbing of Dayuta through the door, which was only partly opened;

“(g) The testimonies of both Petilla and Manalili that accused-appellant also stabbed a certain Juan Padayao after stabbing the victim, does not in any way contradict Dayuta's testimony that he was also stabbed by the accused-appellant. As heretofore discussed, Petilla could not have seen the stabbing of Dayuta through the partly opened door. In fact, the stabbing of Padayao even confirms Dayuta's claim that he was also stabbed by accused-appellant, because it demonstrate, the fact that the latter was indiscriminately stabbing anyone who came his way;

“(h) Petilla's testimony that she only noticed the accused-appellant running out of the house of Manalili after the stabbing, is not a contradiction of Dayuta's testimony that they also ran out of the house after he and the victim were stabbed. Having been almost a victim herself of accused-appellant immediately prior to the incident when she tried to intervene to stop him (accused-appellant) from slapping his wife, it was but natural for Petilla to focus her attention on the accused-appellant to see to it that the latter would not come her way and, therefore, she (Petilla) could not be expected to observe what the victim of accused-appellant did after the incident.”

If the foregoing clearly shows how actually non-existent are the alleged inconsistencies between the testimony of Dayuta and Petilla as the principal state witnesses, the absence of self-contradictions and improbabilities in the testimony of each of them which appellant claims said testimony to be riddled with, is as convincingly demonstrated with the Solicitor General correctly observing as follows:

“(a) There is nothing improbable in the testimony of Dayuta that he did not notice the entry of accused-appellant. The place where the incident occurred was used as a resting place by some people fetching water from the artesian well just opposite the street. Hence, people just come and go unnoticed. Besides, there was no time for Dayuta to observe the entry of accused-appellant because it was so sudden and unexpected.

“(b) The testimony of Manalili that prior to the incident she left her (Manalili) children listening to the

jukebox, does not render improbable Dayuta's testimony that he and the victim were telling stories before the stabbing. It could be that, after Manalili left, the victim stopped listening to the jukebox and went near Dayuta to converse with him. Besides, the victim can converse with Dayuta while the jukebox was playing.

“(c) The fact that Dayuta could not tell the kind of weapon used by accused-appellant in stabbing to death the victim, does not affect the credibility of his (Dayuta) testimony. The incident is a startling occurrence which was so sudden and unexpected that one witnessing the same, especially if he himself is involved, cannot be expected to watch it with sobriety as to be able to observe even the kind of weapon used.

“(d) We see nothing incredible in the testimony of Dayuta regarding his whereabouts, as well as that of the victim, after the stabbing incident (pp. 10-11, Appellant's Brief). The fact that he (Dayuta) saw the victim running towards the alley leading to a house while he was running towards the waiting shed, does not contradict his other statement that the victim was ahead of him in the waiting shed. It could be that the victim, while running towards the alley, was helped by neighbors who learned of the incident and rushed him to the waiting shed where he could be brought to the hospital. That explains why the victim was even ahead of Dayuta at the waiting shed.

“(e) Petilla's testimony regarding the victim's age, as well as the time when she came to know the latter, are merely based on her estimates and recollection. Consequently, their inaccuracy will not affect the credibility of her testimony. Besides, these are insignificant and immaterial matters, as the identity of the victim is not disputed.

“(f) It is not unnatural for Petilla to have followed the accused-appellant to where the crime was committed, despite the danger to her life. In fact, not a few people died because of curiosity. This is demonstrated time and again when policemen had to drive away people who unnecessarily expose themselves to dangers, like fires and quarrels, just to satisfy their curiosity.

“(g) Petilla's testimony is not rendered incredible simply because she did not know what the accused-appellant used in stabbing the victim. As already stated, the incident was a startling occurrence and, therefore, people watching it, especially a woman cannot be expected to observe such minor details as the kind of weapon used by the assailant.

“(h) The testimony of Reynaldo Martin regarding the position of his brother, the victim when stabbed is hearsay because he was not an eyewitness to the incident and, therefore, the trial court did not err in not considering it to discredit the testimonies of Dayuta and Petilla.”

In any case, if some inconsistencies, improbabilities and self-contradictions may be said to manifest themselves somehow, as laboriously pointed out by appellant, they refer to minor and inconsequential details in the testimony of the prosecution witnesses whom appellant has picked out for concentrated attack on their credibility, which would thus be unavailing; for this kind of flaws in one's testimony, far from weakening its credibility, actually strengthens it, for they deflect suspicion of coaching or rehearsal of the witnesses[4] whose testimonies thus remain unaffected in the strength of their appeal for truth and belief.[5]

Pursuing its effort to discredit the testimony of the state witnesses to which the trial court accorded well-deserved credence, which act of said court he has assigned as error, appellant would try to make something out of the non-presentation as witnesses of the "helper" and Juan Padayao, the former having been present with Dayuta at the scene of the stabbing as eye-witness, and the latter having also been stabbed by appellant, as a case of suppression of evidence.

The helper's testimony, with Dayuta and Petilla already presented to testify on seeing appellant stab the deceased, would be entirely unnecessary being only commulative in effect. The adverse presumption against the prosecution as appellant would invoke cannot, therefore, arise from the failure of the prosecution to present the "helper" as a witness. Moreover, as a mere "helper" at the time, he may have been no longer available to testify, as he might have left for another job elsewhere not known at the time of the hearing.

With more reason will no such adverse presumption against the prosecution arise with the non-presentation of Juan Padayao as witness. His testimony would be only as to his having been stabbed by appellant, which is beyond the scope of the present inquiry as to appellant's guilt only for the killing of Hilarion Martin. If some relevance might be found in the stabbing of Padayao on the same occasion, it is in how it would show that appellant was evidently seized by a fit of violence that drove him into a stabbing spree, as it were, contrary to his pretension of denying the stabbing of the deceased. But without need of Padayao's personal testimony, the fact that appellant also stabbed him after stabbing Dayuta and Martin, the latter fatally, because the assault on him was so sudden and unexpected, and from behind as to deny the victim any chance at defense by evading or parrying the blow, was positively established with the testimony of Saturnina Petilla and Lolita Manalili on this particular fact, which was un rebutted.

By this fact alone that he stabbed Juan Padayao, appellant's testimony on the only incident in which he is supposed to have been involved--his having been hit with a "pinga" by Dayuta when he (appellant) merely tried to pacify Leodegario Petilla who, armed with a knife, was engaged in a street quarrel with 6 or 7 men, and went home thereafter, inferentially denying even having laid a hand or touched the victim, is rendered unbelievable. In effect, his defense is that of alibi which is totally unavailing against his having been positively identified^[6] by witnesses as the assailant of the victim, one of whom is Saturnina Petilla, the mother of Leodegario Petilla whom he allegedly approached as a friend to pacify him in his quarrel against persons who overwhelmingly outnumbered him. Appellant allegedly went to Saturnina to report that his son was involved in that street quarrel. With Saturnina Petilla testifying that appellant even chased her when she tried to intervene when appellant slapped his wife during a quarrel, threatening anyone who would dare intervene, the testimony of appellant as to his friendly mission in seeing Saturnina becomes totally unworthy of belief, for if the testimony were true, what motive has Saturnina to testify falsely against appellant.

As the trial court also observed, appellant's testimony suffers from improbability because -

"x x x Admitting that on the date and time of the stabbing, he was merely to approach the quarreling group and Leodegario Petilla; attempted to pacify Leodegario Petilla, and ran away when he was hit on the head with a 'pingga' by Benjamin Dayuta. The version of accused Hinlo suffers with so many improbabilities. He claims that he saw his friend Leodegario Petilla armed with a knife, 7 inches long facing a group of 6 to 7 men. It was a situation fraught with dangers. Yet, accused Hinlo approached the group and his friend Leodegario Petilla, merely to pacify them. Even granting this extraordinary course of action to be true, yet when accused Hinlo again asserts that when he was hit on the head with a 'pingga', he ran away, leaving his friend alone, it is hard to believe him. Not only that. After informing Saturnina Petilla, mother of Leodegario Petilla, that her son was quarreling with a group of men, he just went home, again, leaving his friend to his fate. What is more, he never

called the police who could have provided the more effective help to his friend. Then, there is the question as to what happened to Leodegario Petilla faced by 6 or 7 men. Obviously, nothing happened. What is significant, is the fact that Saturnina Petilla, mother of Leodegario Petilla, even testified for the prosecution. All these circumstances, considered fairly and with unprejudiced mind, lead to the conclusion that there never was a quarrel between the group of 6 or 7 men and Leodegario Petilla." (Decision, pp. 75-76, Record.)

It would seem that appellant hints at the possibility of Leodegario Petilla being the assailant when he pictured him as engaged in a quarrel with six or seven persons, armed with a knife and poised to strike. If this were so, witnesses from among the several adversaries of Leodegario would have been easily available to testify against the latter as the real culprit. The fact is even the brother of the deceased, Reynaldo Martin, testified against appellant which he should not have done unless he was convinced, from his own investigation, if not personal knowledge, that appellant is his brother's killer and not someone else. He certainly desires to make sure that the real culprit is brought to justice and not given immunity from punishment instead, as would happen if he pointed an accusing finger at the wrong man.

WHEREFORE, the judgment appealed from being in accordance with law and the evidence, with treachery proven to qualify the crime of murder as charged, but not evident premeditation as alleged in the information, is affirmed in toto, with costs.

SO ORDERED.

Teehankee, (Chairman), Makasiar, Fernandez, Guerrero, and Melencio-Herrera, JJ., concur.

[*] Mr. Justice De Castro was designated to sit with the First Division under Special Order No. 225.

[1] pp. 74-78, Rollo.

[2] pp. 2-5, Appellee's Brief.

[3] pp. 96-100, Rollo.

[4] People vs. De la Cruz, 94 SCRA 87; People vs. Molo, 88 SCRA 22; People vs. Alcantara, 33 SCRA 812; People vs. Cabiltes, 25 SCRA 112; People vs. de Gracia, 18 SCRA 197; People vs. Selfaison, 110 Phil. 839.

[5] People vs. Llanto, 88 SCRA 8; People vs. Lingao, 75 SCRA 130; People vs. Verzo, 21 SCRA, 1403.

[6] People vs. Lucero, 96 SCRA 694; People vs. Maagad, 94 SCRA 167; People vs. Estante Jr., 92 SCRA 122; People vs. Barut, 89 SCRA 14; People vs. Naba-unag, 79 SCRA 33.

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