

THE PEOPLE OF THE PHILIPPINES, PLAINTIFF-APPELLEE, VS. RLCARDO REYNO, DEFENDANT-APPELLANT.

G.R. No. L-19071. April 30, 1965

Ponente: PAREDES, J.

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PAREDES, J.:

Charged before the CFI of Nueva Ecija for the crime of Murder, for the death of Noel Vigilia, the accused Ricardo Reyno, was found guilty thereof and sentenced to "reclusion perpetua," to indemnify the heirs of the deceased in the amount of P6,000.00, and to pay the costs. Being a detention prisoner, 1/2 of his preventive imprisonment was credited to his favor.

There is no dispute regarding the fact that Noel Vigilia was stabbed in the early morning of April 7, 1961, in the vicinity of Quimson St., Cabanatuan City, which caused his death. The issue is predominantly on the identity of the assailant.

The version of the prosecution, thru the testimony of Nicolas Ruiz, Jr., upon which the decision of conviction was primarily anchored, runs as follows:

At about 12:30 o'clock in the early dawn of April 7, 1961, the witness (Ruiz, Jr.), the deceased (Vigilia), Guillermo Afaglaya, Oscar Nieves, Boyet de los Reyes, Antonio Bundoc, a certain Johnny from Talavera, and Salty and Ruben, and compadre, respectively, of said witness, were front of the store of Sally, at the corner of Quimson Consejo Streets, Cabanatuan City. While they were conversing, four (4) persons, one of whom was later recognized by Ruiz to be the accused Ricardo Reyno, arrived in the vicinity and tinkered with the water pipe in front of the Wesleyan College. The deceased Vigilia, from the store, told the group, not to tinker with the pipe, which caused one of the four persons tinkering with the pipe to glance back at Vigilia and his companions. Guillermo Maglaya followed by the deceased Vigilia approached the group, but they left going eastward on Quimson Street. Because the pipe was spurting water, Maglaya and Vigilia fixed the same, after which they joined their own group. After 15 minutes more of conversation, Magilaya and his group started for home, taking Quimson Street where the house of Vigilia was more accessible. Vigilia and Bundoc walked side, by side, well ahead of the group, followed by Ruiz, Jr. and Maglaya, about five (5) meters behind. Close behind were Oscar Nieves and Boyet de los Reyes. As the group was passing in front of the house of Dr. Luningning Roa, on Quimson Street, Ruiz, Jr. saw Noel Vigilia suddenly turn around, pressing the joint of his left thigh. Maglaya, closely followed by Ruiz, Jr., ran to find out what had happened to Vigilia. When they were in the place where Vigilia was, Ruiz, Jr. saw a person, about 2 to 3 meters away, holding a bladed instrument. At this juncture, Antonio Bundoc shouted "Boy (referring to Ruiz, Jr.) may dala yan," causing Ruiz, Jr. to stop running. At this instance, the person stabbed at Ruiz, Jr., who evaded the assault by jumping. As the assailant readied to give, another thrust, and as Ruiz, Jr. prepared to parry the same, the two stared at each other for about 40 winks or seconds. It was at this juncture that Ruiz, Jr. came to recognize the assailant, as one of those who tampered with the pipe in front of the Wesleyan College and whom the deceased accosted earlier. At the time of the stabbing, the accused Ricardo Reyno was wearing khaki trousers, T-shirt, a buri hat, the same attire worn by one of the persons

who tinkered with the pipe. There- after, Reyno ran eastward along Quimson Street. Ruiz Jr., also saw three (3) other persons, whom he failed to recognize running away with accused Reyno from the scene of the offense.

The deceased was brought to the Provincial Hospital in Cabanatuan City. The attending physicians called for the immediate need of blood. In the meanwhile, the relatives of Vigilia were notified of the incident, who also tried to look for blood. At 2:25 a.m. the same date (April 7, 1961), Noel Vigilia" expired, due to severe hemorrhage, before the necessary blood type could be found and administered to him. The cadaver was later brought to the Ilagan Funeral Parlor for burial preparations. The police authorities were also notified, and police patrols were instructed to cover possible outlets, most specially bus terminals.

At the Rural Transit Terminal, Policeman Agustin Alonzo found the accused Reyno, on board a bus bound for Manila. He was acting suspiciously, looking back and forth. Pat. Alonzo questioned Reyno inside the bus, but later brought him down in front of the terminal. Accused Reyno told the policeman that he was going to Rizal town, notwithstanding the fact that he was on board a truck bound for Manila. After a while, Attorneys Vigilia, brother of the deceased, and Wycoco and Maglaya arrived. Pat. Alonzo asked Maglaya if Reyno was the assailant, to which Maglaya replied that the one who stabbed Noel Vigilia looked like Reyno and that the one who could positively identify the killer, was Nicolas Ruiz, Jr. Ruiz, Jr. was brought from the funeral parlor and immediately upon seeing Reyno, told the policeman that he (Reyno) was the one who stabbed Vigilia, although said Reyno was wearing a different attire then. The bag of Reyno, which was still in the bus was taken. Asked if he had a knife, Reyno gave a negative reply. However, upon examination of his bag, aside from clothes, men's toilet articles, in a topsy, turvy condition, and a fan knife which Reyno admitted to be his, were found. Reyno was brought to the City Hall for further questioning. A search in the house of Juliana R. Domingo, sister of accused Reyno, yielded a Jacket, which was taken to the municipal building. The T- shirt was stained with blood at the hem. The knife and t-shirt were submitted to the NBI for examination and chemical analysis. The shoes of the deceased Vigilia at the scene of the crime, which were covered with blood were also forwarded to the NBI for the same purpose. On April 26, 1961, Andres A. Santiago, Chemist of the NBI, rendered a report (Exh. B-1) stating that the knife (Exh. C), the T-shirt (Exh. D) and the shoes (Exh. E & E-1), were positive for human blood. At a later date (June 20, 1961), the same NBI Chemist rendered a Final Report (Exh. B), wherein he stated, in addition to the observations contained in Exh. B-1, dated April 26, 1961, that the type of blood found on the T-shirt of the accused and found on the shoes of the deceased (Exhs. E & E-1) belonged to the same type of blood as the deceased; that the blood group of the accused Reyno was type O, which is different from that found on the T-shirt and the shoes.

In his appeal before this Court, accused-appellant denied having stabbed the deceased, claiming that he was in the house of his sister at the time. In explaining the blood stain in the hem of the T-shirt (Exh; D), the appellant claimed that it could have been put there when he was being investigated by the police in the municipal building.

We have gone over the records with great care, considering the nature of the offense and the penalty imposed by the trial Court; and We are perfectly convinced, as did the trial Court of the identity of the appellant. True, he offered the alibi that he was in the house of his sister, at the time the crime was being committed. His alibi, however, cannot overcome the positive identification by prosecution witness Ruiz, Jr., which was spontaneously made, after the accused-appellant had been confronted by Ruiz, at the bus terminal. Moreover, the identification of the appellant finds convincing corroboration in the findings of the NBI Chemist, to the effect that the tell-tale knife found among the belongings of the accused, at the time he was going away, was positive with human blood; that the blood found on the hem of the T-shirt belonging to him (Exh. D) tallied with the blood grouping of the deceased. Appellant attributed the blood on his T-shirt, as having been placed there by Atty. Vigilia, the brother of the deceased, when he was being investigated in the municipal building. This was, nevertheless, discarded by the

lower court, which considered the imputation as preposterous, with the noteworthy observation that Atty. Vigilia would not fabricate evidence against the accused in the presence of many towns-people. We share this view of the court a quo, specially when, by the very admission of the appellant, the deceased did not have any ill-feeling with him.

Appellant's counsel projects an argument that there was no reason for the accused to kill the deceased. It must be stated, however, that lack of motive does not preclude the commission of an offense. Moreover, in this particular case, the accused Reyno must have resented the interference of the deceased, when he (accused) and three (3) other persons tinkered with the water pipe, in front of the Wesleyan Colleges. While ordinarily the incident would not have provoked the accused, or anyone for that matter, to commit an offense, it is of judicial knowledge that others have been killed or assaulted for lesser or no reason at all. In the present era, the impulsiveness of youth has given way to mature thinking.

PREMISES CONSIDERED, the decision appealed from should be, as it hereby affirmed, in all respects, with costs against the accused-appellant, Ricardo Reyno.

Bengzon, C. J., Bautista Angelo, Concepcion, Reyes, J.B.L., Barrera, Dizon, Regala, Makalintal, Bengzon, J.P. and Zaldivar, JJ., concur.

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