

THE PEOPLE OF THE PHILIPPINES, PLAINTIFF-APPELLEE, VS. CANDIDO MENDOZA, DEFENDANT-APPELLANT.

G.R. No. L-48275. February 24, 1981

Ponente: ABAD SANTOS, J.

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ABAD SANTOS, J.:

In the Court of First Instance of Quezon, Branch IV at Caluag, the following information was filed:

"The undersigned Provincial Fiscal accuses Candido Mendoza of the crime of murder, defined and punished under Article 248 of the Revised Penal Code, committed as follows:

That on or about the 23rd day of October 1975, at Barangay Aloneros, Municipality of Guinayangan, Province of Quezon, Philippines, and within the jurisdiction of this Honorable Court, the above-named accused, with intent to kill, with evident premeditation and treachery, armed with a knife (balisong), did then and there willfully, unlawfully and feloniously attack, assault and stab with the said knife one Elinor Hila, thereby inflicting upon the latter multiple wounds in the vital parts of his body which directly caused his death."

After trial the court rendered the following judgment:

"WHEREFORE, in view of all the foregoing, judgment is hereby rendered finding the accused Candido Mendoza GUILTY of the crime of Murder defined and penalized under the above provisions of the Revised Penal Code and hereby penalized him of reclusion perpetua. The said accused is hereby ordered to pay the heirs of the deceased ELINOR HILA in the amount of Fifteen Thousand Pesos (P15,000.00) as damages and to pay the costs of this action."

In his appeal, the appellant assigns only one error, namely: that the trial court should not have convicted him for it was another person - Cornelio Arellano - who killed Elinor Hila.

In the evening of October 23, 1975, at Guinayangan, Quezon, Elinor Hila died a violent death after a drinking spree at a store in barrio Aloneros. According to Dr. Jose A. Mercado, Municipal Health Officer of Guinayangan, the deceased died due to severe hemorrhage as a result of 27 wounds inflicted by a double bladed instrument.

Who killed Elinor Hila? The prosecution says Candido Mendoza did it whereas Candido claims that Cornelio Arellano is the culprit.

Testifying for the prosecution Tomas Javid, 18 years old, single and a resident of barrio Ticay, Guinayangan, Quezon, said that at about 5:00 p.m. on October 23, 1975, he was on his way home on a rail trolley (described as skates by the trial court because the wheels of the trolley are those of skates when he met Cornello Arellano and Candido Mendoza Arellano who was Acting Barrio Captain of Ticay asked him to take them to barrio Aloneros

where they would buy cigarettes. Tomas acceded, albeit reluctantly, so the three of them rode on the trolley and they reached Aloneros about one hour later. There Arellano and Mendoza went to "Turing's" store. Tomas remained in his trolley but after a while he was asked to join the two and they drank native wine.

After they had consumed two bottles of wine in a span of about 40 minutes, Arellano also known as Bukoy called a halt and the three board the trolley to return to Ticay. Upon reaching a crossing leading to Ticay, Candido alighted and asked the two to wait for him. It was then about 10:30 p.m. When Candido failed to return, Bukoy decided to fetch him. Shortly thereafter Tomas saw Elinor Hila pass by, about 5 arms length, away carrying a lamp.

When both Candido and Bukoy failed to return, Tomas decided to follow them. He was unable to see Bukoy but he saw Hila near a curve but suddenly Hila's lamp was extinguished and he saw Hila pulled by Candido. As he approached the two at a distance of 7 arms length, he saw Candido stabbing Elinor Hila.

Overcome by fear, Tomas fled to his trolley. Arellano caught up with him and the two went on to Ticay. At the house of Tomas, Arellano told him not to talk about the incident for he would take care of reporting the matter to the police authorities.

Felicisimo Ilustre, 66 years old, married and a resident of barrio Aloneros also testified for the prosecution. He said that he was at his house in the evening of October 23, 1975, when Elinor Hila who was a helper of his son in sawing wood arrived. Hila was drunk and he stayed at the house for about two hours. While he was there he said, "Putang ina itong si Pareng Bukoy." Bukoy is Cornelio Arellano. Hila declined an invitation to eat supper and decided to go home. He asked for a lamp and he was given a kerosene lamp. When Hila left, his (Ilustre) son Eliseo suggested that he be followed. As Felicisimo followed he saw Cornelio Arellano and Candido Mendoza shadowing Hila at the railroad tract. Hila left the tract and as he was nearing a fishpond he was stabbed by Bukoy. Prior to the stabbing he heard Hila say, "Tama na yon pareng Bukoy at ako'y maraming anak." He did not see Candido Mendoza because the light was put out.

Cornelio Arellano, 28 years old, single and a resident of barrio Ticay, also a prosecution witness, said that on October 23, 1975, at about 5:00 p.m. he and Tomas Javid went to the store of Mang Turing at Aloneros to buy cigarettes. There they met Candido Mendoza. After having bought the cigarettes, he drank lambanog with Mendoza, Javid and Elinor Hila. After drinking three bottles of the liquor, they called it quits at about 10:00 p. m. Mendoza rode with them on the trolley on their way home to Ticay and on the way Mendoza intimated that he was going to waylay (haharangan) Hila. He and Tomas advised Mendoza not to pursue his intention but Mendoza disregarded them. Later, at a distance of about 50 arms length, they saw Mendoza stab Hila repeatedly near the fishpond.

He also testified that he knew Felicisimo Ilustre but he did not see Ilustre at anytime during the stabbing incident. He further testified that during the drinking party at Turing's store, Mendoza and Hila were on friendly terms; that Mendoza was left behind at the store when he and Tomas decided to go home.

Two more witnesses testified for the prosecution, namely: Rogelio Guasa, Station Commander of Guinayangan, who said that when he questioned Felicisimo Ilustre about the killing of Elinor Hila, Ilustre could only say that Hila passed by his house and asked for a lamp; and Federico Hapin, a member of the Integrated National Police, who testified on visiting the scene of the killing.

Upon the other hand, the defense presented two witnesses, namely: the defendant himself and Reynalda Vda. de Hila, the widow of the deceased.

Candido Mendoza, 47 years old, married and a resident of barrio Aloneros testified that on October 23, 1975, at

about 6:00 p.m. he was in the store of Turing in Aloneros where he was invited by Cornelio Arellano to a drinking spree and he accepted. Their companions included Tomas Javid and Elinor Hila. They stopped drinking at about 9:00 p.m. and he invited Cornelio to go home. Since Arellano did not accede, he went ahead to the railroad tracks to wait for Javid and Cornelio. The two joined him a little later but Cornelio still did not want to go home for he wanted to wait for Elinor Hila whom he would dispose of that evening. Nonetheless, the three rode the trolley until the fishpond where Cornelio and Tomas alighted and waited for Hila. Then Hila arrived and he was followed by the two. Mendoza tried to dissuade the two from harming Hila but Cornelio replied, "It cannot be done because I am angry with him for a long time already." He then saw Cornelio stab Hila several times while Tomas Javid stood by. He heard Hila say, "Pareng Bukoy maawa ka sa akin at ako'y maraming anak." After he saw the stabbing he ran to the house of his nephew Rodolfo Lucero.

He had known Hila for less than a year and never had a single misunderstanding with him. On the other hand, Hila and Arellano had a misunderstanding over a piece of coconut land in which they were tenants as a result of which Cornelio boxed Hila twice.

Reynalda Vda. de Hila testified that during the lifetime of her husband Elinor Hila he had a misunderstanding with Cornelio Arellano and his group in connection with Elinor's share of the coconuts that he had picked; that because of the misunderstanding, Cornelio and his son boxed her husband Elinor.

Even if we limit our attention solely to the evidence for the prosecution and disregard the evidence for the defense, we find it impossible to sustain the conviction of the appellant because the former's evidence is in disarray.

Two witnesses for the prosecution, namely: Tomas Javid and Cornelio Arellano testified that it was Candido Mendoza who killed Elinor Hila. But this is the only thing wherein their testimony coincide. In all other material aspects they differ radically and substantially. Upon the other hand, the other prosecution witness Felicisimo Ilustre has pointed to Cornelio Arellano as the killer.

Examining the testimony of Tomas Javid and Cornelio Arellano we find:

- Javid said that his companions in going to Aloneros were Cornelio Arellano and Candido Mendoza; while Arellano said that only he and Javid went to Aloneros where they found Mendoza already in the store of Mang Turing.
- Javid said that those who took part in the drinking spree at the store of Mang Turing were Arellano, Mendoza and himself; whereas Arellano said that the participants were Mendoza, Javid, Hila and himself.
- Javid said they consumed two bottles of liquor; whereas Arellano said three bottles were consumed.
- Javid said that Arellano and Mendoza rode with him on the trolley in returning to barrio Ticay; whereas Arellano contradicted himself by saying initially that Mendoza rode on the trolley but later said that Mendoza was left behind at the store of Mang Turing.

The material contradictions in the testimony of Javid and Arellano is proof manifest of their unreliability and is compounded by the fact that the other prosecution witness, Felicisimo Ilustre, flatly belies their assertion that it was Mendoza who was the killer for he points an accusing finger to Arellano instead. "The flaws in the evidence of the prosecution above pointed to, that make such evidence weak and incredible, sufficiently raise a reasonable degree of doubt as to the probability of the occurrence of the incident as presented by the State." (People vs. Lacsamana, G.R. No. L-29061, Oct. 29, 1970, 35 SCRA 512, 522.)

The prosecution's case is further weakened by the evidence for the defense that the deceased and the appellant were on good terms for as shown above no less than the widow of the deceased testified for the appellant. The

appellant, therefore, had no motive to kill the deceased. Upon the other hand, Arellano was not happy with the deceased and his feeling was reciprocated for the latter was heard by Ilustre to exclaim, "Putang ina itong si Pareng Bukoy." The accused denies killing Hila and together with Hustre points to Arellano as the killer. The prosecution who presented Ilustre as its witness is bound by his testimony absent any showing that he had a motive to unjustly accuse Arellano. Indeed, the mind cannot be disabused of the possibility that Arellano was the killer. For why did he bother to follow Javid until the latter's house and to advise him not to talk about the incident for he would take care of reporting the matter to the authorities? In the light of the evidence of both the prosecution and the defense it cannot be said that the guilt of the appellant has been proved beyond reasonable doubt.

WHEREFORE, on the ground that the guilt of the appellant has not been proved beyond reasonable doubt, the judgment appealed from is hereby reversed and the appellant acquitted. No costs.

SO ORDERED.

Barredo, (Chairman), Concepcion, Jr., Fernandez[*] and De Castro, JJ., concur.

[*] Mr. Justice Ramon C. Fernandez was designated in lieu of Mr. Justice Ramon C. Aquino who took no part.

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