

THE PEOPLE OF THE PHILIPPINES, PLAINTIFF AND APPELLEE, VS. NICASIO EDAÑO, ACCUSED AND APPELLANT.*G.R. No. L-33641. June 30, 1975*

Ponente: ANTONIO, J.

Read online (full-text search, related cases, audio case brief): <https://batas.org/library/93d29443d5fe/>**ANTONIO, J.:**

Appeal from the judgment of the Court of First Instance of Eastern Samar, Branch VI, Guiuan, in Criminal Case No. 633, finding appellant Nicasio Edaño guilty beyond reasonable doubt of the crime of murder for the death of Claudio Eder, and sentencing him to suffer the penalty of reclusion perpetua, to indemnify the heirs of the victim in the amount of P12,000.00, and to pay the costs.

The deceased Claudio Eder and his family consisting of his wife and seven (7) children, the eldest of whom is sixteen-year old Eli-Maria Eder, lived in a farmhouse in Sitio Igting, Barrio Taguite, Lawa-an, Eastern Samar. The house was a one-room affair with a single window. Its flooring, which is about five (5) feet from the ground, was made of "split" pieces from the trunk of the palm tree and the distance between the pieces is about one and one-half (1-1/2) inches.

At about 6:30 o'clock in the evening of October 4, 1969, the Eder family had already retired and were then lying down side by side on a mat that covered the floor of the house. An improvised kerosene lamp about seven (7) inches high, with a diameter of five and one-half (5-1/2) inches, and which was placed one (1) foot away from the right side of Claudio Eder near the closed window provided the light for the family. Due to her coughing, Eli-Maria Eder, in order to spit to the ground below, raised a portion of the mat on which she was lying. As she raised the mat, she immediately saw appellant Nicasio Edaño under the house holding a gun whose barrel was pointed upwards through a hole caused by broken splits of the flooring. Immediately, she shouted to her father, "Tatang Casio is under the house with a gun." However, hardly had she finished her shouting when she heard a gun report. Claudio Eder, who was hit on the back by the gunshot, struggled to stand up but every time he tried to be on his feet, he fell to the floor. He managed to crawl until he reached the kitchen. Shortly after he was given a pillow by his wife, he expired. Fearing for their safety, the whole family left the deceased and proceeded to the house of Sixto Eder located about three hundred (300) meters away where they spent the rest of the night.

Immediately on the following day, the widow of the deceased and Eli-Maria went to the Municipal Building of Lawa-an to inform the authorities that Claudio Eder had been killed by the appellant. On the basis of this information, Gregorio Gacita, a policeman of Lawa-an and two other policemen proceeded to the scene of the incident and upon arriving at the house of the victim at Sitio Igting, found him lying on the floor, face upwards, with a wound at his lumbar region. The body of the victim was then brought to Barrio Taguite where a coffin was prepared. At the cemetery of Lawa-an where they intended to inter the deceased, Gregorio Gavan, a Sanitarian under the Rural Health Unit of Lawa-an, examined the cadaver of the victim and found a gunshot wound near the edge of the shoulder bone at the back. According to Gavan, there was only one open wound at the back from which blood oozed profusely. Subsequently, he issued a medical certificate (Exhibit "A"), stating the cause of death as "profuse internal hemorrhage, secondary to penetrating wounds."

To exculpate himself from criminal responsibility, appellant interposes the defense of alibi. For this, he relies on the testimony of his wife, Adelaida Edaño, and his brother-in-law, Lucas Asadon. According to Adelaida, her husband and Lucas went fishing on the night of October 4, 1969 at about 6:00 o'clock and returned at 2:00 a.m. on October 5, 1969. On cross-examination, she admitted, however, that she did not mention this matter to the police when her husband was arrested by Patrolman Gacita for this offense. Lucas Asadon testified that on the morning of October 4, 1969, he and appellant went to Sitio Irao which is about two (2) kilometers more or less from the Barrio of Taguite to work on the farm and that at 6:00 o'clock in the afternoon they went to fish, returning with their catch at 2:00 o'clock in the morning of October 5, 1969. Upon cross-examination, he admitted that he did not give any written statement on this matter when the case was being investigated by the police authorities.

After these witnesses have testified, the counsel for appellant manifested that appellant is waiving his testimony as the same is merely cumulative to the testimony of Lucas Asadon and Adelaida Edaño.

Appellant assails in this appeal the credibility of Eli-Maria Eder's identification. Appellant contends that the attendant circumstances at the time of the incident, such as the "feeble light in the house, condition of the floor, distance of the lamp, the wide mat used, and the position of Eli-Maria Eder" furnishes no assurance that she was able to recognize the assailant. Considering that this witness is very young, being only sixteen years of age, and it is a physiological fact that the eyesight of persons of tender age is ordinarily sharp and keen, coupled with the fact that she knows appellant very well for a long time as "Tatang Casio" because he is married to her aunt, it is not improbable that she was able to recognize appellant on the night of the incident.

It must be noted that according to Eli-Maria Eder, she recognized appellant because the latter was only five (5) feet away from her and the rays of light coming from the kerosene lamp fully illumined his face, which was then turned upwards looking towards the direction where her father was sleeping.[1] Considering this circumstance, the fact that she had known appellant for a long time, her demeanor on the witness stand, and the absence of any fact or circumstance in the record from which this Court could deduce or infer any possible improper motive, her identification of appellant is, therefore, entitled to great weight and credence.

As regards her testimony, the court a quo made the following observations: "The deportment and manner of testimony during the trial by this child witness was natural, frank and sincere in answering questions in the direct examination and clarified to the minutest detail how she recognized the accused during the cross-examination. There is nothing that the court can infer from this child witness that she is motivated with bias or ill motive against the accused in alluding to the latter as the killer of her father."[2]

The testimony of this young girl was corroborated by Claudia Gerilla, 36 years of age, widow of the victim, who testified that she heard her daughter shout "Tatang Casio is under the house" and at the instance she heard a gun report. She also noticed that her husband was wounded on the back and was then "whirling" on the mat. She further declared that as soon as they reached the house of Sixto Eder that same night, she and her daughter informed him that they fled from their house because they were afraid as Claudio Eder has just been shot by Nicasio Edaño. Municipal Policeman Gregorio Gaceta also testified that when he saw Eli-Maria Eder and Claudia Gerilla at about 7:00 a.m. on October 5, 1969, they told him that the victim was shot by the appellant.

Upon the other hand, the evidence to support the alibi is based merely on the testimony of close relatives of appellant. Certainly, if these witnesses were telling the truth, it is quite unusual that they did not inform the police investigators of this when appellant was arrested for this offense. The rule is well established that an impartial tribunal, which has heard and observed a witness testify, is better fitted to pass upon the witness' credibility. The credibility of witnesses is a matter that the trial court has unequalled competence to consider and decide since it has the opportunity to observe the demeanor of the witnesses on the stand, an opportunity not afforded to the

appellate courts; and the findings of the trial court as to the credibility of witnesses as a rule should not be disturbed, and is entitled to great weight, unless there appears in the record some fact or circumstance of weight and influence which has been overlooked by the trial court, or the significance of which has been misconstrued. In the case at bar, We find that the court a quo has carefully considered and analyzed the evidence, and find no error in its findings and conclusions.

The alibi put up by appellant is not only weak in the face of the surrounding circumstances, but has been overcome by the evidence of the prosecution. In order that an alibi as a defense may prosper, the evidence to support it must be clear and convincing as to preclude the possibility that the accused was present at the situs of the crime, while the evidence as to his identification must be weak and insufficient. And certainly, such defense cannot prevail over the positive identification of witnesses.

WHEREFORE, finding no errors in the judgment of the court a quo, the same is hereby affirmed en toto. With costs against appellant.

Fernando, Chairman, Barredo, Aquino, and Concepcion Jr., JJ., concur.

[1] "Las personas reconocen a otras no por ciertos signos o senales distintivos de la cara sino por su fisonomia. La experiencia nos ha dado oportunidad de conservar en la memoria la fisonomia de una persona y reconocerla aun despues del transcurso de algun tiempo, sin tener en cuenta una marca distintiva. Y es que recordar la fisonomia de una persona no depende de algunos signos o senales o razon alguna. Podemos discernir una persona de otra, sin ningun detalle especifico en que basar nuestra apreciacion y sin poder explicar por que." (People v. Estefa, 86 Phil., 104, 108.)

[2] Decision in Criminal Case No. 633, dated April 15, 1971, p. 84, Records.

ABOUT BATAS.ORG

Study smarter at BATAS.org

The Philippine bar review and law-school companion built around how your brain actually remembers.

The complete Philippine law library - free for everyone.

More than 100,000 Supreme Court decisions, Republic Acts, and executive issuances - full-text searchable, browsable by category and year, and always free. No paywall, no login. This PDF came from it.

Audio case-brief lectures.

Any decision becomes a podcast-style lecture - facts, issues, ruling, and doctrine - with read-along highlighting and a hands-free presentation mode. Study while commuting, working out, or resting your eyes.

Bar review built on the science of memory.

Complete, sequenced courses for all eight bar subjects, narrated like podcasts and reinforced with retrieval practice and spaced review - the study techniques with the strongest evidence behind them.

The full law-school curriculum.

One subscription unlocks the entire J.D. curriculum - every subject, every lesson, with your progress tracked down to the paragraph so you can pick up exactly where you left off, on any device.

Mock exams that tell you where you stand.

Timed multiple-choice exams graded instantly, with per-subject score breakdowns and focus suggestions that point you at your weakest topics first.

A study planner that keeps you on pace.

Set your schedule and BATAS tells you every day whether you are on track for bar day - and exactly which lesson to take next.

Start free at <https://batas.org>

The law library is free forever - and your first lesson is one click away.

The text of this document is an official public record and remains in the public domain. Formatting, presentation, and compilation © 2026 batas.org.

Downloaded free from the batas.org Law Library. Share it freely - the library is free for every law student, bar reviewee, and practitioner.