

THE PEOPLE OF THE PHILIPPINES, PLAINTIFF AND APPELLEE, VS. JUANITO LLANTO, DEFENDANT AND APPELLANT.

G.R. No. L-15634. April 23, 1962

Ponente: CONCEPCION, J.

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CONCEPCION, J.:

Appeal, by Juanito Llanto, from a decision of the Court of First Instance of Batangas convicting him of the crime of murder and sentencing him to life imprisonment, with the accessory penalties prescribed by law, to indemnify the heirs of Laureano de la Pena in the sum of P6,000 and to pay the costs.

On March 6, 1958, while Laureano de la Pena was walking northward, along the national highway in the municipality of Sto. Tomas, Batangas a little after 11:00 p.m., someone fired at him, from behind, several times, thereby inflicting several bullet wounds that caused his death about 20 minutes after midnight.

It appears that Laureano was, at the time of the occurrence accompanied by Hipolito Estuista, whom the authorities located, soon thereafter, that same night. Upon investigation forthwith made by the local police force, Hipolito declared that Laureano's assailant was Juanito Llanto. Meanwhile, another member of the local police force had asked Atanacio de la Pena, a son of the deceased, for information as to the possible identity of the culprit. Unaware, as yet, of Hipolito's aforementioned statement, Atanacio unhesitatingly replied, for reasons hereafter to be stated, that the killer must be Juanito Llanto. Hence, the latter was immediately arrested and charged with murder.

The evidence for the prosecution shows that Laureano was a lineman of the Philippine Power and Development Co., which supplied electricity to the municipality of Sto. Tomas, Batangas; that Hipolito was an electrician of the same company; that in the morning of March 6, 1958, Hipolito was sent from Calamba, Laguna, to Sto. Tomas Batangas, to assist Laureano in the proper maintenance of the service during the town fiesta the next day; that sometime during the evening of March 6, a transformer, located at the southern part of the town, went out of order; that, accordingly, Laureano and Hipolito went to that place, to make the necessary repairs, which were completed sometime after 11:00 p.m.; that shortly after they had started leaving the place, Juanito Llanto appeared suddenly behind Laureano and opened fire at him; that, as Laureano fell down mortally wounded and Juanito Llanto ran away, Hipolito took refuge, thoroughly frightened, in a restaurant near a gasoline station by the roadside, where peace officers found him before day break; that, upon submission to a parafin test, made that same morning, between 10:30 and 11:00 o'clock, gunpowder residue was found on both hands of Juanito Llanto.

It further appears that the latter used to be another employee of the Philippine Power & Development Co.; that about two (2) months prior to the occurrence, Laureano had, while on vacation leave, repaired a transformer of the company; that this was resented by Juanito Llanto because, being the one then on duty, the repairs should have been undertaken by him; that Juanito Llanto became so angry that he went to the house of Laureano and challenged him and the members of his family; that Juanito Llanto even threatened to kill whoever came out of the house on said occasion; and that, three (3) weeks later, Juanito Llanto ceased to be employed in said company.

Appellant set up an alibi. He would have us believe that, at the time of the occurrence, he was in a jeep, attending a band concert, some 300 meters east of the municipal building of Sto. Tomas, Batangas, together with municipal councilor Jorge Nora and Bienvenido Modelo. These two (2) and police sergeant Pedro Francisco tried to corroborate appellant. However, the lower court found their testimony unworthy of credence, and the record before us does not warrant interference with the conclusion reached by His Honor, the trial Judge. Moreover, inasmuch as appellant was riding a jeep and the scene of the occurrence was not far away from the place where the band concert was being held, it was quite possible for him to have attended said concert, then slipped away, for a few minutes, while the concert was in progress, to commit the crime charged, and, immediately thereafter, rejoined the crowd hearing the concert.

Verily, we find no plausible reason to doubt the veracity of Hipolito Estuista, the main witness for the prosecution. The defense lays stress upon some inconsistencies in his testimony, but said inconsistencies refer to minor details and collateral matters that do not affect either the substance of his declaration or its truthfulness. Appellant, also, claims that Hipolito's testimony deserves no credence, because of a misunderstanding they had allegedly had in 1954 and another one in 1957. Hipolito denied, however, such misunderstandings, apart from the fact that, even if the same had really happened, they were far from being sufficiently serious to prompt the false imputation of a crime as grave as that charged in this case.

Upon the other hand, Hipolito could not possibly have been mistaken as to the identity of the culprit, not only because he had known Juanito Llanto for several years prior to the occurrence, both having been employees of the same electric company, but, also, because there was electric light, aside from the moonlight, at the scene of the crime. Then, too, about four (4) hours after its commission, when Hipolito had not had sufficient time, and was still too shaken, to concoct a story falsely incriminating Juanito Llanto, the former positively stated that the killer was the latter, and this statement was fully confirmed by the residue of gunpowder found on his hands upon examination made that same morning.

In an attempt to discredit or weaken the testimony of Capt. Crispin D. Garcia regarding the paraffin test to which appellant herein had been submitted, the defense introduced an article, said to have been written by Henry W. Turkle and Jerome Lipman, on the "Unreliability of Dermal Nitrate Test of Gunpowder." However, the defense has not established either the authenticity of said article or the qualifications of its alleged authors. Such evidence is clearly inadequate, therefore, to offset the testimony of Capt. Garcia on his findings indicating a great probability that appellant had fired a gun a few hours before he was subjected to the aforesaid test.

Appellant denied, also, that he had had with Laureano de la Pena the incident testified to by his son, Atanacio de la Pena. Appellant admitted, however, that he had gone to the house of the De la Penas, on the occasion referred to by Atanacio, although it was with the latter, not with Laureano, with whom, he (appellant) said, he had an altercation. Besides, Atanacio denied, on rebuttal, having had said altercation with appellant, and a review of the record does not show that the lower court had erred in accepting the version of Atanacio and rejecting that of appellant.

Being in accordance with the facts and the law, the decision appealed from is hereby affirmed, with costs against appellant Juanito Llanto. It is so ordered.

Bengzon, C.J., Bautista Angelo, Labrador, Reyes, J.B.L., Paredes, and Dizon, JJ., concur.

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