

**THE PEOPLE OF THE PHILIPPINES, PLAINTIFF-APPELLEE, VS.
CELESTINO BALILI, DEFENDANT-APPELLANT.***G.R. No. L-38250. August 06, 1979*Read online (full-text search, related cases, audio case brief): <https://batas.org/library/c6df2f9c8ea5/>**PER CURIAM:**

Automatic review of the decision of conviction for the crime of "Robbery With Homicide with Multiple Serious Physical Injuries", imposing the penalty of Death, by the Court of First Instance of Samar, Branch V, Calbayog City (Judge Leon Rogar, Jr.), on accused Celestino Balili, in Criminal Case No. 382, entitled "The People of the Philippines vs. Ricardo Cabarles and Celestino Balili", with dispositive portion, to wit:

"Premises considered and finding that the totality of the evidence of the prosecution established the guilt of the accused Celestino Balili, beyond a reasonable doubt, the Court, therefore declares the said accused guilty as charged in the information. Due to the seriousness of the charge, the Court with sedulous care examined the evidence of the prosecution for conviction can only lie if it sufficiently establishes the guilt of the accused and not because of the weakness of the defense evidence. After carefully examining the People's evidence, the Court found that the defense evidence dwindles in strength and is rendered impotent upon collision with it. Finding him guilty beyond a reasonable doubt as charged in the information, the oft-repeated CELESTINO BALILI, is hereby sentenced to suffer the supreme penalty of DEATH, the crime having been attended by the aggravating circumstances of nighttime, treachery, superior strength, without due regard to the sex and condition of the victims, Margarita Salingsing Vda. de Araza and Perpetua Araza Dublon being members of the female sex, and the deceased a sick man who could not walk being bedridden with paralysis, and dwelling (People vs. Apduhan, 24 SCRA 798, 814), with no mitigating circumstance or circumstances to offset the same. The accused is likewise ordered to pay his proportionate share of the costs of the proceedings, to indemnify jointly and severally the heirs of the deceased Pio Araza in the sum of twelve thousand pesos (P12,000.00) and to jointly and severally indemnify the heirs of the deceased Pio Araza in the sum of twenty thousand pesos (P20,000.00) as exemplary and moral damages. The accused is hereby ordered to restitute jointly and severally with his co-accused the amount of P2,000.00 to the heirs of Pio Araza, the amount unrecovered, the transistorized Radiola and clothing having been recovered. The exhibits in this case should be preserved for use of the People upon the arrest of fugitive Felix Verzosa." [1]

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Accused Ricardo Cabarles in Criminal Case No. 382, pleaded guilty upon arraignment and was sentenced to reclusion perpetua in a decision rendered by the same trial court on November 7, 1972, and accordingly served sentence from November 7, 1972.[2] Accused Felix Verzosa was never apprehended.[3] Accused Celestino Balili pleaded not guilty upon arraignment and was tried and convicted in Criminal Case No. 382.

The information against Celestino Balili, Ricardo Cabarles and Felix Verzosa, reads:

"That on or about the 4th day of September, 1972, at nighttime, in the Municipality of Gandara, Province of Samar, Philippines and within the jurisdiction of this Honorable Court, the above-named accused, together with FELIX VERZOSA, who is still at large, conspiring, confederating together and mutually helping one another, with deliberate intent to kill, with treachery and evident premeditation, while all armed with

sharp-pointed instruments and clubs, did then and there wilfully, unlawfully and feloniously stab, club and kill one PIO ARRAZA while said Pio Arraza was in his house and seriously wound the other members of his family, the above-named accused in pursuance of their criminal conspiracy, with intent of gain and violence against and intimidation of persons and with force upon things, did then and there enter the dwelling of said Pio Arraza and take, steal, rob and carry away with them the following, to wit:

Cash ----- P2,000.00

One (1) Transistor Radio

(Radiola) ----- 87.00

One (1) Bayo-ong with

assorted clothings

One (1) Traveling bag with

clothings _____

T o t a l P2,087.00

a total value of TWO THOUSAND EIGHTY SEVEN PESOS (P2,087.00) all of which said cash and articles belong to Pio Arraza and his family, to the damage and prejudice of said Pio Arraza and his family in the said sum of P2,087.00, Philippine Currency."[4]

The evidence for the prosecution establishes the follow-ing:

Margarita Salingsing, wife of the victim Pio Araza, and her family lived in an isolated house in a farm at Barrio Himay, Gandara, Samar. Ricardo Cabarles, Felix Verzosa and Celestino Balili went to the house of victim Pio Araza in 1971 to treat the latter of his paralysis.[5]

At about 8:00 o'clock in the evening of September 4, 1972, while Margarita and her children, Perpetua, Alejo, and son-in-law Romeo Dublon (husband of Perpetua) were eating their dinner at the kitchen, Margarita's husband Pio Araza, afflicted with paralysis, was also eating in his bedroom.[6] The kitchen was well lighted with a torch placed on the table and a lamp, hanging over the table, with a lamp in the bedroom where Pio Araza was eating.[7] Three persons (Ricardo Cabarles, Celestino Balili and Felix Verzosa) entered the house suddenly.[8]

Once inside, Ricardo Cabarles clubbed Perpetua Araza Dublon on the head, Celestino Balili did likewise with Margarita, while Felix Verzosa clubbed and then stabbed Alejo.[9]

Upon being hit on the head, Perpetua Araza Dublon purposely dropped herself under the table, and she saw Ricardo Cabarles enter the room where her father Pio Araza was eating, after which Margarita Salingsing heard her husband say, "I have done no wrong to you but you stabbed me".[10]

Perpetua, under the table, also saw her mother Margarita rush towards the room of her husband Pio Araza, followed by Celestino Balili hacking her at the back that caused Margarita to fall, after which Celestino Balili proceeded to the room towards Pio Araza.[11]

At that moment, Perpetua left the house to inform her brother Arturo, who lived about one kilometer from their house, about the incident. When Perpetua returned to her parent's house the following morning, she saw the wooden trunk of her parents usually kept in her father's room in the yard already opened.[12]

Perpetua went to the house and saw her mother Margarita lying on her side near her father. When she informed her mother about the trunk, the latter told her to look for the money (P2,000) in the trunk, which she did, but

failed to find it.[13]

The family lost P2,000 and a transistorized radio worth P98.00.[14] The radio was subsequently recovered by the police from Ricardo Cabarles, the co-accused of appellant.[15]

The victims Margarita Salingsing Araza, Perpetua Araza Dublon, and Alejo Araza were treated by Dr. Damaso Salinas of the Catbalogan General Hospital, who found the following injuries:

Margarita Araza

- (1) Wound, incised, parietal region left three inches lumbar region, right five inches;
- (2) Wound, lacerated parietal region, left.[16]

Perpetua Araza Dublon

- (1) Wounds incised parietal region, about two inches.[17]

Alejo Araza

- (1) Wound, stabbed, multiple forearm, posterior left, 1 inch length, 2-1/2 inches deep; lower 3rd arm, 1 inch length, 2-1/2 inches deep, lower 3rd arm, 1 inch length, 2-1/2 inches deep; left infra-scapular region No. 2 left 1 inch; 2 inches deep, lateral scapular angle, left 1 inch length, 1 inch deep.
- (2) Wound, incised parietal region 2-1/2 inches, posterior aural region, left 2 inches width.

Pio Araza died because of two mortal wounds inflicted on him.[18]

On the night of September 5, 1972, the day following the commission of the crime, Policeman Cresencio Voz who was assigned at Barrio San Jorge, Gandara, Samar, received a complaint from a woman who claimed to have been robbed at Barrio Himmai by her co-passengers in a motor boat. So Patrolman Voz conducted an immediate investigation and found out that the suspected robbers fled in the direction of the road. Voz went towards Gandara riding a truck mixer. When he was midway between Sitio Baliogay and Gandara, he saw two persons walking who turned out to be Cabarles and Balili. Balili was carrying a cloth bag containing wet clothes and was sporting a stainless steel dagger tucked to his waist, while Ricardo Cabarles was carrying a buri bag containing a radio and some clothing. The said radio (Exh. "E") was later identified as the radio lost by the Arazas.[19]

Patrolman Voz took into custody Balili and Cabarles and ordered them to board the front seat of the truck mixer while Voz clung to the side of the door, right front side. The said truck proceeded towards the municipal building of Gandara. But when they were about to reach the municipal building, Balili suddenly pushed the right front door of the truck causing Voz to fall off. Balili jumped out and ran away. Voz left Cabarles in the custody of the Acting Chief of Police and proceeded to look for Balili. The latter was later apprehended in the house of his in-laws in Santa Margarita on September 6, 1972.[20]

On the other hand, the defense gave this version:

Saturnino Balili, a farmer residing and working in the farm of Atty. Cipriano Roma, is the older brother of accused Celestino Balili. According to Saturnino, Celestino went to Samar from Milagros, Masbate in May, 1972, and stayed in Saturnino's house. Ricardo Cabarles' niece lived with Celestino as husband and wife. On September 4, 1972, the day of the crime, Ricardo Cabarles asked Celestino Balili to go with him to cut bamboos in Tambugan, a barrio of Gandara.[21]

Accused Celestino Balili denied that he participated in the crime committed on September 4, 1972 at Barrio Himay, Gandara, Samar. He said it was Ricardo Cabarles and a companion who committed the crime. He asked

the trial court to allow Ricardo Cabarles (previously convicted by a plea of guilty in the same Criminal Case No. 382) to testify in his behalf. When Cabarles was brought to the trial court, he refused to testify. Balili claimed that Cabarles demanded from him the sum of P100 in order to testify and that when Balili could not give the amount, Cabarles refused to testify for him.[22]

He went to Samar on May 15, 1972, at the request of his older brother Saturnino Balili to help the latter in farming the land of Atty. Roma. While in Samar he stayed all the time with his brother Saturnino at Barrio Balud.[23]

On September 4, 1972, about 6 a.m., accused Celestino Balili was cooking in the house at Tambao, and at about 10 a.m., Ricardo Cabarles invited Balili to go with him to cut bamboos in Tambongan. They left Tambao on a truck and they alighted in a place called "San Jorge". They walked to Barrio Himay where Cabarles introduced Balili to Felix Verzosa, then the three of them went to the mountains to cut bamboos. Balili started cutting bamboos. At about 5 p.m., Balili finished hauling the cut bamboos while Cabarles and Verzosa remained in the house of Felix.[24]

When Balili returned to the house of Felix Verzosa, he saw Cabarles tying a strip of abaca on the handle of his revolver while Felix Verzosa was honing his long pointed bolo, so Balili inquired from Cabarles and Verzosa why they were doing that, and both Cabarles and Verzosa answered Balili that they would invade the house of their enemy. Balili protested that the contemplated act was against the law and he jumped out of the house and tried to run away. Cabarles and Verzosa caught Balili and threatened the latter with death if he would not go with them. Balili went with Cabarles and Verzosa to the house where their enemy was supposed to reside.[25]

When they reached the house, Balili saw a masked man wearing a hat meet Cabarles and Verzosa. The latter two told Balili to wait and watch under the house. Those things happened about seven o'clock in the evening of September 4, 1972. Balili saw Cabarles and Verzosa go up the house, and after a short while he heard shouting inside the house and he ran away. He arrived at Himay and followed the trail to San Jorge where he arrived at about 12:00 midnight.[26]

Balili stayed in the road at San Jorge up to dawn of September 5, 1972, his purpose in going towards Gandara to inform the authorities of the crime committed by Cabarles and Verzosa.[27]

Balili was picked up by the police near the bridge of Gandara after Cabarles was already apprehended. He denied that after being apprehended by Patrolman Voz and on their way to Gandara, he jumped from the cement mixer truck where he was riding. Balili claimed he was chained to Cabarles at that time. Balili denied carrying a cloth bag with wet clothes, a stainless knife and a toy gun tucked at his waist when Patrolman Voz apprehended him. He claimed that he was maltreated by Patrolman Voz when he was told to run around the plaza of the municipal building. As a result of the maltreatment he ran away to Lambao where the police again picked him up on September 6, 1972.[28]

After Balili was placed in custody again, on September 12, 1972, he claimed that Margarita Salingsing Araza, Perpetua Araza and Alejo Araza were not able to identify him during the investigation of the case.[29]

When Balili was asked the possible reason why Patrolman Voz would falsely testify against him, Balili said "He (Patrolman Voz) testified as he did because he was angry when I ran away from him." [30]

When Balili ran away from the scene of the crime and in Barrio San Jorge on the night of September 4, 1972, he slept in the roadside even if there were houses because it was already late in the night. He could not report to the barrio captain at San Jorge because it was late at night and he did not report to the police for the same reason. He was apprehensive so he hid in the grasses.[31]

When Balili was maltreated by Patrolman Voz, the latter hit Balili on his forehead with the butt of his gun but Balili never complained to the Chief of Police nor to the Municipal Judge.[32] Balili never filed any complaint against Patrolman Voz and although Balili's brother was informed of the alleged maltreatment, his brother did not report to Atty. Ramos.[33]

An examination of the meticulously prepared brief for the accused Balili by counsel de oficio readily shows that the sixteen assignments of errors are mostly concerned with the evaluation of evidence and determination of the credibility of witnesses. It is a fundamental rule that conclusions and findings of fact by the trial court are entitled to great weight on appeal and should not be disturbed unless for strong and cogent reasons, because the trial court is in a better position to examine real evidence, as well as to observe the demeanor of the witnesses while testifying in the case.[34]

On the issue of whether or not accused Balili was sufficiently identified by the witnesses Margarita, Perpetua and Alejo, all surnamed Araza, as one of the perpetrators of the crime on the night of September 4, 1972, the evidence is clear that both the kitchen and the bedroom of Pio Araza were sufficiently lighted by three lamps.[35] With that sufficient lighting, the three witnesses were able to positively identify Celestino Balili as one of the perpetrators of the crime.[36] Balili, was known to witness Alejo, because sometime in 1971, Balili, together with Verzosa and Cabarles, went to the house of Pio Araza to treat the latter.[37]

Witness Alejo Araza did not immediately become unconscious when he was clubbed. He was only stunned, hence he was able to recognize Balili, the witness becoming unconscious when he was subsequently stabbed.[38] Witness Perpetua Araza Dublon positively identified Balili as the one who clubbed her mother Margarita, and when her mother ran towards the bedroom of her father, Pio Araza, she saw Balili hack her mother at the back.[39] Witness Margarita Salingsing Vda. de Araza positively identified Balili as the one who clubbed her and later stabbed her at the back when she tried to go to the room of her husband Pio.[40] Margarita knew Balili since 1971 when the latter accompanied Cabarles to treat Pio.[41] Such overwhelming convincing evidence must certainly prevail over the mere negative denials of the accused. Balili admitted that he was in the vicinity of the crime on the night in question, but he claimed he was only compelled to be there by Cabarles and Verzosa. Balili claimed he ran away while the former two perpetrated the crime.[42] We cannot ignore the fact that Cabarles pleaded guilty to the crime and was sentenced accordingly while Verzosa, the other co-accused, is still at large. Neither can it be overlooked that Cabarles refused to testify for Balili.

The third, fourth and fifth assignments of error assail the finding of the trial court that Balili escaped by jumping from the truck when he was taken by Patrolman Voz to the municipal building of Gandara. Patrolman Voz explained how Balili escaped from the truck by forcing his way out on the right side, causing the policeman to fall when the truck slowed down near the Gandara Municipal Building and how Balili ran away, not being chained to Cabarles at that time.[43] No error can be detected in the trial court's finding that there was no reason nor shown motive for Patrolman Voz to testify falsely against Balili. The policeman only performed his duty. The clothes bag, wet clothes, stainless knife and toy gun taken from Balili when he was apprehended were presented as evidence before the trial court, so there can be no doubt as to their existence.[44] When accused Balili was asked for the possible reason why Patrolman Voz would falsely testify against him, Balili said "He (Voz) testified as he did because he was angry when I ran away from him." [45] Accused Balili also indirectly admitted that he really ran away when he stated that when he was maltreated by Patrolman Voz by ordering him to run around the plaza of the municipal building, he ran away to Lambao where the police again picked him up on September 6, 1972.[46]

The sixth assignment of error claims that the trial court erred in holding that the defense failed to ascribe to the government witnesses, prejudice or other illegal motives in testifying against appellant-accused. The contention of

the appellant is that inasmuch as the principal witnesses for the prosecution are close relatives of the victims their testimonies must be considered biased and prejudiced, motivated by vengeance. Appellant further alleges that the witnesses for the prosecution testified to matters which were products of their imagination. We can hardly see Our way clear to the appellants' argument, because while it may be admitted that persons who are victims of crimes are naturally prejudiced and biased against the perpetrators of the crime and would as human beings be readily motivated by vindictiveness, it does not follow that such sentiments or feelings would be directed at innocent persons who have nothing to do with the crime. Stated otherwise, if the appellant here had really nothing to do with the crime, it is against the natural order of events and of human nature and against the presumption of good faith that the prosecution witnesses would falsely testify against him. Here, however, the witnesses under oath, narrated in a straightforward and simple manner what they observed during the commission of the crime. Their narrations were accepted as true by the trial court which had all the chances to observe the demeanor of the prosecution witnesses, and therefore passed upon their credibility as such. It is not likely that the prosecution witnesses would perjure themselves and violate their oath to tell the truth by imputing to appellant the commission of so grave a crime as that with which he was charged if he were innocent thereof.[47] In this case, as correctly concluded by the trial court, the defense was not able to show any reason as to why the prosecution witnesses would falsely testify against the appellant accused Balili. The testimonies of interested witnesses are not necessarily biased and incredible. What is unnatural is for witnesses to impute knowingly a crime to a person not responsible for it.[48]

The seventh and eight assignments of error allege that the trial court erred in giving greater credit to the testimony of prosecution witnesses Margarita, Perpetua and Alejo Araza rather than the testimony of accused Celestino Balili, and in giving more weight to the evidence of the prosecution rather than that of the defense. An examination, however, of the evidence would readily manifest that the direct positive testimonies of the witnesses Margarita, Perpetua and Alejo Araza on the identity and participation in the crime of accused Balili are readily more credible, as the trial court believed it to be, as compared to the version presented by the uncorroborated testimony of accused Balili that he was brought to the scene of the crime by his co-accused Cabarles and Verzosa, and that he accompanied them because the latter threatened him with death if he did not do so.

The ninth, tenth, eleventh, twelfth and thirteenth assignments of error are repetitious and principally gratuitous. The assigned errors, mere reiteration of others already stated, are mere attacks on the findings of fact and credibility of witnesses by the trial court.

We observe that accused-appellant Balili admitted that his companions (Cabarles and Verzosa) robbed the victim on the night of the crime and caused the death of Pio Araza on September 4, 1972 at Barrio Himay, Gandara, Samar.[49] This Court agrees with the trial court when it did not believe accused Balili's testimony that he saw a masked man on the night of the crime, this masked man supposed to be with Cabarles and Verzosa at the time of the commission of the crime, instead of accused Balili. That concoction of accused Balili cannot stand against the positive identification made by the three prosecution witnesses (Margarita, Perpetua and Alejo Araza) and their narration about accused Balili's participation in the crime.

The evidence clearly shows that on September 4, 1972, Balili and Cabarles started from Barrio Lambao enroute to Barrio Tambayan on board a truck.[50] They alighted in Barrio San Jorge and walked to Barrio Himay, Balili knowing that they were going to Barrio Himay.[51] On arriving at Barrio Himay they proceeded to the house of accused Felix Verzosa.[52] From the house of Felix Verzosa at Barrio Himay, they went to another house of Felix in the mountains.[53] From the house of Felix Verzosa in the mountains they proceeded to the house of the victim Pio Araza at about 7:00 p.m.[54] Appellant Balili admitted that he was at the place where the crime was committed.[55] It is also established that Balili, Cabarles, and Verzosa simultaneously attacked the victims.[56]

Appellant Balili was arrested together with accused Cabarles and in their possession were found the stolen radio and other stolen articles such as wet clothes.[57]

The crime was attended by the aggravating circumstances of treachery; without regard to the sex and condition of the victims, Margarita Salingsing Vda. de Araza and Perpetua Araza Dublon, being members of the female sex, and the deceased, a sick man who could not walk, being bedridden with paralysis; and dwelling, with no mitigating circumstance to offset the same.[58]

WHEREFORE, and for all the foregoing, the Decision, dated February 2, 1974, in Criminal Case No. 382, imposing the penalty of Death on accused-appellant Celestino Balili is affirmed, with costs against the appellant.

SO ORDERED.

Fernando, C.J., Teehankee, Barredo, Antonio, Aquino, Concepcion, Jr., Santos, Fernandez, Guerrero, De Castro, and Melencio-Herrera, JJ., concur.

Abad Santos, J., took no part.

[1] pp. 217-218, Original Record.

[2] pp. 29-33, Original Record.

[3] p. 199, Original Record.

[4] p. 1, Original Record.

[5] p. 5, tsn., March 15, 1973; p. 19, tsn., May 24, 1973; p. 22, tsn., March 16, 1973.

[6] p. 6, tsn., March 6, 1973.

[7] Exh. "A"; pp. 7-8, tsn., March 15, 1973; Exh. "B"; p. 9, tsn., March 15, 1973; pp. 10-11, tsn., March 15, 1973.

[8] p. 6, tsn., March 24, 1973; p. 41, tsn., May 10, 1973.

[9] pp. 7-8, tsn., May 24, 1973; pp. 11-12, tsn., March 15, 1973; p. 42, tsn., May 10, 1973; p. 19, tsn., March 16, 1973.

[10] pp. 42-43, tsn., May 10, 1973; p. 58, tsn., May 10, 1973; p. 12, tsn., March 15, 1973.

[11] pp. 42-43, tsn., May 10, 1973.

[12] pp. 43-44, tsn., May 10, 1973.

[13] p. 44, tsn., May 10, 1973; p. 47, tsn., May 10, 1973.

[14] p. 18, tsn., March 15, 1973.

[15] p. 19, tsn., March 15, 1973; p. 37, tsn., June 26, 1973.

[16] Exhibit "F".

[17] Exhibits "G" and "G-1".

[18] p. 12, Original Record.

[19] pp. 30-34, 37, tsn., June 26, 1973.

[20] pp. 43-45, tsn., June 26, 1973.

[21] pp. 86-91, tsn., November 8, 1973.

[22] pp. 92-96, tsn., March 8, 1973.

[23] pp. 98-99, tsn., November 8, 1973.

[24] pp. 100-105, tsn., November 8, 1973.

[25] pp. 105-107, tsn., November 8, 1973.

[26] pp. 108-109, tsn., November 8, 1973.

[27] p. 110, tsn., November 8, 1973.

[28] pp. 110-113, tsn., November 8, 1973.

[29] pp. 113-114, tsn., November 8, 1973.

[30] pp. 114-115, tsn., November 8, 1973.

[31] pp. 121-124, tsn., November 8, 1973.

[32] pp. 130-132, tsn., November 8, 1973.

[33] pp. 133-135, tsn., November 8, 1973.

[34] *People vs. Catalino*, 22 SCRA 1091; *People vs. Macaraeg*, 53 SCRA 285; *People vs. Alcantara*, 21 SCRA 906; *People vs. Magallanes*, 23 SCRA 1274.

[35] Exh. "A"; pp. 40-41, tsn., May 10, 1973.

[36] pp. 6-7, tsn., May 24, 1973.

[37] p. 19, tsn., May 24, 1973.

[38] p. 14, tsn., May 24, 1973.

[39] pp. 41, 42, 43, tsn., May 10, 1973.

[40] p. 11, tsn., March 15, 1973.

[41] pp. 17-18, tsn., March 16, 1973.

[42] pp. 105-109, tsn., November 8, 1973.

[43] pp. 54-55, tsn., June 26, 1973.

[44] Exhibits I, I-1, I-2, I-3, I-4 and I-5 (clothes).

[45] pp. 114-115, tsn., November 8, 1973.

[46] pp. 110-113, tsn., November 8, 1973.

[47] *People vs. Berganio*, 110 Phil. 322, 330.

[48] *People vs. Bagrican, et al.*, 6 SCRA 402, 407; *People vs. Alcantara*, 3 SCRA 820, 822, 823.

[49] pp. 93-94, tsn., November 8, 1973.

[50] pp. 100-102, tsn., November 8, 1973.

[51] p. 102, tsn., November 8, 1973.

[52] p. 102, tsn., November 8, 1973.

[53] pp. 102-103, tsn., November 8, 1973.

[54] pp. 108, tsn., November 8, 1973.

[55] pp. 108-109, tsn., November 8, 1973.

[56] p. 11, tsn., March 15, 1973; p. 42, tsn., May 10, 1973; pp. 6-7, tsn., May 24, 1973.

[57] pp. 32-38, tsn., June 26, 1973.

[58] pp. 217-218, Original Record.

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