

THE PEOPLE OF THE PHILIPPINES, PLAINTIFF AND APPELLEE, VS. IGNACIO VILLALBA, DEFENDANT AND APPELLANT.

G.R. No. L-17243. August 23, 1966

Ponente: BENGZON, J.P., J.

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BENGZON, J.P., J.:

On November 16, 1956, Ignacio Villalba of Linnec, Guimba, Nueva Ecija was feeding his chicks. When he went up to his house to get more feed, a pig owned by Ignacio Cabanada ate some of his chicks. Angered thereby, Villalba took a piece of wood and hit the pig with it, causing it to become lame.

As a result, Cabanada reported the incident to Catalino Dacanay, the barrio lieutenant. Dacanay sent for Villalba. And, with the disputants before him, he investigated the matter. Villalba admitted having injured Cabanada's pig. Thereupon, the barrio lieutenant asked him to pay for the damage. Cabanada wanted twenty pesos but Villalba stated it should be ten pesos only since Cabanada could roast the pig. At any rate, Villalba pleaded for ten days to look for the necessary amount. Subsequently, Cabanada unceremoniously went away, even though the barrio lieutenant tried to call him back.

From this point, the facts are disputed. According to the prosecution's evidence, the following took place:

In the moonlit evening of November 17, 1956, some twenty men including Pablo Bengson, Florentino Labrador, Juan Villalba, Alfredo Cachuela, Ignacio Cabanada, Emilio Cabrillas, Francisco Carbon and Guillermo Dacanay, played a game called "patalunton" on the national road in barrio San Pedro (now Linnec), Guimba, Nueva Ecija. After the game, at around eight o'clock in the evening, they proceeded to go home. A group of them, composed of Pablo Bengson, Florentino Labrador, Alfredo Cachuela, Juan Villalba and Ignacio Cabanada, walked together along the road in the direction of Guimba. Reaching the place where the pathway to their houses was located, said persons left the road and went down the pathway. Suddenly, accused Villalba emerged from the tall palay stalks along the path and went behind Cabanada. From an angle of about thirty degrees to Cabanada's left, Villalba raised a bolo with both hands and struck Cabanada with it, bringing it down in a right-to-left movement. Cabanada, hit on the right forehead, fell down. As Cabanada dropped, Villalba boloed him again, hitting the left elbow. Cabanada's companions ran away.

According, however, to accused Villalba, he merely acted in self-defense, thus:

At about four o'clock in the afternoon of November 17, 1956, he went to see his father, who was sick, in the latter's house at barrio Linnec, Guimba, Nueva Ecija. Returning therefrom, at about eight o'clock that evening, he passed in front of Pablo Bengson's house. There, Pablo Bengson, Ignacio Cabanada and Alfredo Cachuela approached him. Bengson and Cabanada each held a bolo and Cachuela had a cane. Ignacio Villalba tried to proceed on his way but the trio intercepted him. Thereupon, he decided to turn back. The three men, however, chased him. As accused Villalba was running and after covering a distance of around three meters, he felt a bolo touch his right hip and saw that bolo in front of him. Villalba then picked it up. Cabanada ran to grab it from him. Seeing this, accused Villalba swung the bolo sidewise to his back, not knowing whether or not he hit Cabanada

thereby. Cabanada then launched at him with a dagger. At this moment, Villalba hacked Cabanada with the bolo, hitting the latter on the front. Villalba thereafter ran to the house of the barrio lieutenant, Catalino Dacanay, and reported to said barrio lieutenant that the three persons aforementioned waylaid him as he returned from his father's house and chased him as he ran away from them.

The record shows that the wounded Cabanada was brought to his house. And, there, at nine o'clock that same evening, Fausto Eusebio, auxiliary barrio lieutenant, took from him a statement declaring that while he was on the road the accused Villalba suddenly boloed him (Exh. A).

Afterwards, Cabanada was taken to Dr. Felipe Batangan's house. Said Guimba municipal health officer treated the patient, finding in him an incise wound at the right side of the face beginning from the forehead passing through under the ear to the lateral side of the neck, right side; and another wound that almost amputated the left arm at the left elbow.

Subsequently, Cabanada was put in an ambulance and taken to the Nueva Ecija Provincial Hospital, arriving there at 1:00 A.M. of November 18. Dr. Nicolas V. De Guzman, Jr. treated him there for lesions stated in his medical certificate (Exh. B) as follows:

"Incised wound, right side of face, from forehead to neck below the ear;
Amputation wound, left elbow, Hemorrhage, external, moderately severe,
Shock, secondary to cerebral concussion, severe with fracture skull temporo-parietal right."

As a result of said injuries, particularly to severe shock, hemorrhage and cerebral concussion, Cabanada died on November 18, 1956 at 3:00 P.M. (Exh. B and Exh. C, death certificate).

On November 19, 1956 Villalba was accused of murder, for Cabanada's death, in a criminal complaint filed in the Justice of the Peace Court of Guimba, Nueva Ecija. Subsequently, on December 17, 1956, an information charging said offense was filed in the Court of First Instance of Nueva Ecija. Arraigned on February 12, 1957, Villalba pleaded not guilty. On November 12, 1958, however, the Assistant Provincial Fiscal, with the consent of the accused, moved to dismiss the case provisionally, stating that evidence adduced in a reinvestigation showed that Villalba acted in self-defense. On November 13, 1958, said motion was granted and the case was provisionally dismissed with the conformity of the accused.

On February 18, 1959, an information for the same offense was filed in the same Court of First Instance against the accused Ignacio Villalba by the First Assistant Provincial Fiscal. Arraigned hereunder on August 3, 1959, Villalba pleaded not guilty.

After trial, on July 18, 1960, the Court of First Instance rendered its decision, finding the accused guilty of murder, qualified by treachery, without any mitigating or generic aggravating circumstance, and sentencing him to reclusion perpetua, to indemnify the heirs of the deceased in the amount of P6,000 and to pay the costs.

On July 19, 1960, Ignacio Villalba took the present appeal to this Court.

The prosecution's version of the fatal incident that evening of November 17, 1956, was testified to not only by the prosecution witness Pablo Bengson, but also by defense witnesses Florentino Labrador and Alfredo Cachuela. Thus, Florentino Labrador, testifying for the defense, stated:

"Q In walking southward enroute home will you pass first your house or the house of Cabanada?

"A Our house, sir.

"Q Were you able to reach your house that evening?

"A No, sir.

"Q Why not?

"A Yes, sir, because as we were going home along the road when we went off the road stepping on the shoulder of the road to the left side about a meter I saw that Ignacio Villalba hacked him.

"Court:

"Q Hacked who?

"A Ignacio Cabanada, your Honor.

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"Q As you left the road Mr. Labrador with Juan Villalba and the deceased will you please tell the court your relative position?

"A All of us were walking side by side, sir.

"Q In the same position that you were in between Villalba and Cabanada while you were still walking on the road, that is you were on the middle, Juan Villalba was on your left and the deceased was on your right, is that correct?

"A Yes, sir.

"Q Immediately before he was hacked did you see Ignacio Villalba?

"A Yes, sir.

"Q Where did you see him?

"A He emerged from the ricefield and immediately thereafter he hacked him." (Tsn., pp. 26-27, Garcia)

As to who of the witnesses were telling the truth, Pablo Bengson, Florentino Labrador and Alfredo Cachuela on one hand, and the accused Ignacio Villalba on the other, it perforce depends upon the credibility of said witnesses, as revealed during their testimony. The finding of the trial court in this regard is that the testimony of Ignacio Villalba cannot be believed; and that there is no reason to disbelieve Pablo Bengson, much less Florentino Labrador and Alfredo Cachuela, two witnesses for the defense.

The findings and conclusions of the trial court on the credibility of witnesses are entitled to full respect and will not be disturbed by Us on appeal, in the absence of a showing that some fact of substance and value has been overlooked or misconstrued, which, if considered or rightly understood, will affect the result of the case (*People v. Curiano*, L-15256-57, October 31, 1963; *People v. Evaristo*, L-14520, February 26, 1965). And in this case We find none.

Appellant would urge that he had no motive to kill the deceased, that he had no previous altercation with the deceased, no previous ill will whatsoever. The doctrine frequently restated by this Court is that motive is unessential to conviction in murder cases when there is no doubt as to the identity of the culprit (*People v. Solana*, L-13967, Sept. 29, 1962; *People v. Tagaro*, L-18518, Jan. 31, 1963; *People v. Raquel*, L-17401, Nov. 28, 1964). And besides, it is not correct to say that the accused had no previous altercation or ill will with the deceased. As testified to by him, the deceased asked for P20 in payment for the pig appellant had beaten, and appellant offered to pay only P10 and pleaded for time to pay, but the deceased unceremoniously walked out. Appellant must have resented said actuation of the deceased, for after all, the incident developed because the pig of the deceased strayed into appellant's place and ate his chicks. The following observation on a similar argument of lack of

motive in another murder case, *People v. Reyno*, L-19071, April 30, 1965, is hereto pertinent:

"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."

Appellant stresses that Pablo Bengson is a brother-in-law of Cabanada and that Alfredo Cachuela is the deceased's cousin. Relationship to the victim, alone, does not impair the positive and clear testimony of a witness (*People v. Valera*, L-15662, August 30, 1962; *People v. Asmawil*, L-18761, March 31, 1965). And for this matter, the record shows that appellant's wife is the second cousin of the deceased (Tsn., p. 5, Garcia), so that appellant himself is a relative of said deceased.

It is also contended that the precise location of Cabanada's wounds points in favor of appellant's version and against that of the prosecution. The pretense is untenable. The group of Cabanada saw the accused suddenly emerging from the palay stalks and going behind Cabanada at about thirty degrees to the latter's left. From that position he immediately raised a bolo in both hands and brought it down in a right-to-left motion. As he did so, Cabanada must have turned towards the left to face him, hence, the blow fell upon his right forehead up to his neck's right side, in a right-to-left slanting manner corresponding to appellant's afore-stated motion. Cabanada's other wound is said to have almost amputated the left arm at the elbow, except for the skin at the dorsal (back) side. Said blow, therefore, could have been inflicted from the left side of the victim, although Dr. Batangan opined it was delivered frontally. There can be no doubt, therefore, that appellant suddenly emerged from concealment and immediately hacked the deceased. Such sudden and unexpected attack constitutes treachery (*People v. Nable*, 77 Phil. 93).

Appellant's guilt being sufficiently proven by the eyewitness accounts of Pablo Bengson, Florentino Labrador and Alfredo Cachuela, there is no need for Us to resolve whether the statement taken from Cabanada by Fausto Eusebio (Exh. A) may properly be considered as a dying declaration.

And, finally, appellant would advance as proof of his innocence some letters of the deceased's wife, dated October 8, 1958, or about two years after the incident. Said letters were relied upon by and annexed to the motion of November 12, 1958 to provisionally dismiss the first information presented by the Assistant Provincial Fiscal with the signed conformity of the accused. They stated in part:

"I have written you in connection with our case which I am requesting you that you give us something for the subsistence of my children. I am sure Brother it was all the fault of my husband because that night he went down with his bolo and I asked him where was he going and he told me that he and Pabling, Andong and Parin would go somewhere else and that was then the time when he was wounded and I know that you have nothing to answer as your fault."

Assuming that said letters can be considered, although they are hearsay, because the said deceased's wife did not testify, the same cannot prevail over the positive and clear testimony of three eyewitnesses to the incident, one for the prosecution and two for the defense. Although said letters prompted the abovementioned provisional dismissal of the first information, the fact is that another Assistant Provincial Fiscal, after the requisite preliminary investigation, subsequently filed a second information for the same offense, upon which this case proceeded to trial and the judgment of conviction appealed herein. For all these reasons, we can not sustain the alleged probative value of the letters.

WHEREFORE, the judgment appealed from is hereby affirmed, with costs.

SO ORDERED.

Concepcion, C.J., Reyes, J.B.L., Barrera, Dizon, Makalintal, Zaldivar, Sanchez, and Ruiz Castro, JJ., concur.
Regala, J., on leave.

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