

**THE PEOPLE OF THE PHILIPPINES, PLAINTIFF-APPELLEE, VS.
ESTANISLAO SUMADIC, ACCUSED-APPELLANT.***G.R. No. L-38163. April 27, 1982*

Ponente: ERICTA, J.

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For having allegedly killed Luis Sampil through treachery and with evident premeditation, Estanislao Sumadic alias Tanit was accused of murder in the Court of First Instance of Iloilo. Having been convicted after trial and sentenced, among others, to reclusion perpetua, he now appeals to this Court.

Cirila Sampil is the widow of Luis Sampil. She testified that at about 8:00 or 8:30 in the evening of September 1, 1972, she arrived at the train station of Bo. Barasan, Sta. Barbara, Iloilo, coming from Puno Pequiño, Dueñas, Iloilo where she was a school teacher. She was met at the station by her husband, Luis Sampil. The couple had their dinner in the house of Jesus Villa in the same barrio.[1] After dinner, the couple rode in a tricycle going home to Bo. Borot, Nueva Lucena, Iloilo. In going home to Bo. Borot they passed by Bo. Pungsod, Sta. Barbara, where they alighted because the rest of the road to Bo. Borot was muddy. They had to walk from Bo. Pungsod to their home. Upon alighting from the tricycle, she saw Segundo Sencil and the appellant Estanislao Sumadic in the middle of the road. Upon reaching a place 100 meters from the place where they alighted, she saw the appellant Estanislao Sumadic "running towards her husband and immediately stabbed him without warning." [2] The appellant came from behind Luis Sampil and stabbed the latter once on the breast.[3] Cirila shouted several times for help and tried to defend her husband with her umbrella but the appellant tried also to stab her. He hit the umbrella instead which was torn.[4]

Responding to her outcries for help, prosecution witness Segundo Sencil arrived. Segundo testified that upon arriving at the place where Cirila was, he saw "Estanislao Sumadic stabbing Luis Sampil." [5]

Continuing her testimony, Cirila testified that after Luis Sampil was stabbed, he fell to the ground and the appellant ran away. Segundo Sencil and Cirila Sampil helped the fallen man, Luis Sampil, walk to the house of Agapito Subor to get a tricycle, so that the victim could be brought to a doctor.[6] On the way to get a tricycle, they met Gerardo Sucaldito and prosecution witness Nelly Sucaldito who was holding an improvised lamp.[7] Gerardo Sucaldito got the tricycle from the house of Subor who is the owner of the tricycle. When Luis Sampil was being loaded into the tricycle, the appellant Estanislao Sumadic returned running and again stabbed Luis Sampil several times. This was witnessed and testified to by Cirila Sampil[8] and Nelly Sucaldito.[9] Luis Sampil was brought to Doctor Sotelo's residence; and upon giving Luis Sampil one injection, he advised Cirila to bring the victim to the hospital. On the way to the hospital, they met Pat. Silatore who carried the victim in his patrol car to the hospital but Luis Sampil died on the way.[10]

The deceased was autopsied by Dr. Jose Farrol who found four (4) stab wounds and three (3) other minor wounds. The cause of death was "internal hemorrhage due to stab wounds".[11]

On the other hand, the appellant, Estanislao Sumadic testified that:

"On September 1, 1972, Estanislao Sumadic visited his girl friend at Bo. Buayahon, Sta. Barbara, Iloilo. At about 6:00 o'clock in the afternoon on his way home to Bo. Cabilauan, New Lucena, Iloilo, he passed by the crossing of Bo. Pungsod, where he met his friend Segundo Sencil who invited him for a drink of tuba at the store of a certain Epay near the crossing. Later they were joined by Arsenio Orihinal who was also from Bo. Cabilauan, New Lucena, Iloilo who saw him in that place and waited for him because he wanted something from the father of Estanislao Sumadic. At about 7:45 p.m., they went home and on their way at the crossing of Bo. Pungsod, they met the spouses Luis Sampil and Cirila Sampil alighting from the tricycle. They greeted the couple and joined them on the road going to Bo. Borot and also to Bo. Cabilauan. In walking home, Luis Sampil was ahead of them followed 10 meters behind by Estanislao Sumadic and Mrs. Sampil and still behind were Arsenio Orihinal and Segundo Sencil but the latter after a short distance went another way. They walked on the dark road going towards Bo. Borot. When they had walked about 200 meters away from the crossing of Bo. Pungsod, Estanislao Sumadic noticed ahead of them that Luis Sampil was waylaid by three (3) armed then, two (2) holding knives while the other holding a pistol. He ran towards them to help Luis Sampil but before he could reach them the two (2) men holding knives stabbed Luis Sampil several times on his breast and on the front of his body while the other struck him with a pistol on his left head and ear. Luis Sampil fell and the three (3) men ran away. Estanislao Sumadic held the wounded Luis Sampil to give support. Cirila Sampil who was behind also arrived at the fallen Luis Sampil and she asked who was holding Luis. Estanislao Sumadic identified himself and aided the seriously wounded Luis Sampil towards the crossing of Bo. Pungsod where he helped load him on the tricycle with Cirila Sampil and after which the tricycle proceeded towards the Poblacion of Sta. Barbara. As some men with torches gathered around, Estanislao Sumadic and Arsenio Orihinal walked home in the same direction towards Bo. Borot but when they reached the dark place where Luis Sampil was stabbed, the same three (3) men who waylaid Luis Sampil also waylaid them but Arsenio Orihinal was able to get away. He was then warned by the three (3) men, whom he identified as Fidel Sucaldito, Caloy and another whom he knew by the face only, not to tell anyone what happened or else they would kill him and the members of his family. He was then made to sleep in a house at Bo. Pungsod watched by the three (3) men and he was able to go home only the following morning where to his surprise he was suspected with his brother, Amado Sumadic and Segundo Sencil to have killed Luis Sampil." [12]

The appeal lacks merit. The crime of murder qualified by treachery was clearly proven by the testimonies of Cirila Sampil and Nelly Sucaldito. In the direct examination, Cirila Sampil testified that while her husband was urinating, she saw "someone running towards my husband and immediately stabbed him without any warning," [13] and that "someone" was the appellant Estanislao Sumadic [14]. When Luis Sampil collapsed near the tricycle and even when he was already loaded in the vehicle, the appellant returned and continued stabbing for several times the fallen man. [15]

As aptly stated by the trial Court:

"The first attack while Luis Sampil was urinating was so sudden and unexpected which afforded the accused impunity from harm. This qualifies the attack with treachery. The second stabbing was perpetrated when Luis Sampil was defenseless; and as a matter of fact, he had already collapsed. This further adds to the qualifying circumstance of treachery. [16]

The identity of the appellant as the assailant was established by three credible witnesses, namely, Cirila Sampil, Nelly Sucaldito and Segundo Sencil. Cirila was a neighbor of the appellant, [17] and Nelly had known the appellant for a long time. As a matter of fact, shortly before the stabbing incident, the appellant and the prosecution witness Segundo Sencil went together to her house to hire a tricycle. [18] As regards Segundo Sencil, the appellant's brief states that the appellant and Segundo Sencil were friends and that as a matter of fact, in the same evening shortly before the killing, Segundo Sencil and the appellant drank together at a local pub. [19] At the time of the first stabbing, Cirila was only two (2) meters away from her husband [20] and she focused her flashlight to the appellant. [21] She even tried to protect her husband with her umbrella. [22]

In the light of the positive identification of the appellant, his futile attempt to impute the crime to one Fidel Sucaldito, Caloy Alfredo and an unknown third person merits no consideration. According to the trial Judge, the appellant "did not inform the police or the constabulary authorities of the three persons who killed Luis Sampil. Neither did he tell the investigating fiscal during the preliminary investigation of the case." [23] As to the credibility of the prosecution witnesses, the appellant has not shown any motive for said witnesses to testify falsely against him. We quote with approval the following observation of the trial Court:

The absence of evidence as to an improper motive actuating the principal witnesses for the prosecution strongly tends to sustain the conclusion that no such improper motive existed, and that their testimony is worthy of full faith and credit. (PP. vs. Sawah, 5 SCRA 385; PP. vs. Valera, 5 SCRA 910) In the case at bar, there is not even the slightest evidence that Cirila Sampil, Nelly Sucaldito and Segundo Sencil were actuated with improper motives to point to the accused as the one who stabbed Luis Sampil. [24]

The trial Court "closely observed Cirila Sampil, Nelly Sucaldito and Segundo Sencil while testifying, and their testimony was positive and straight forward and not tainted with artificiality." [25]

Finally, the appellant had a motive for assaulting Luis Sampil. Cirila testified as follows:

Q. Now, do you know of any motive why this Estanislao Sumadic stabbed your husband?

A. Yes, sir.

x x x x x x x x

Q. Will you kindly inform the Honorable Court?

A. The motive was that there was a dance in our barrio last May and this Estanislao Sumadic abused in our dance and the barrio captain and my husband advised him not to abuse so he got angry and he said, "Andaman no lang sa pila ka adlaw." (Be careful someday.) [26]

WHEREFORE, finding no error committed by the trial Court, We hereby affirm in toto the decision appealed from. With costs.

SO ORDERED.

De Castro and Escolin, JJ., concur. Barredo, J., (Chairman), concurs in the above judgment and in the concurring opinion of J. Aquino. Aquino, J., see concurring opinion. Concepcion, Jr., J., out of the country. Abad Santos, J., on official mission.

[1] tsn, pp. 1-3, February 7, 1973.

[2] p. 4, tsn, February 7, 1973.

[3] p. 14, id.

[4] pp. 4-5, id.

[5] tsn, p. 49, March 7, 1973.

[6] tsn, pp. 6-7, February 7, 1973.

[7] tsn, p. 7, id.

[8] tsn, p. 8, id.

- [9] tsn, p. 42, March 7, 1973.
- [10] tsn, pp. 8-9, February 7, 1973.
- [11] Exhibit "D".
- [12] pp. 4-6, Appellant's Brief.
- [13] tsn, p. 4, February 7, 1973.
- [14] p. 5, id.
- [15] p. 8, id.
- [16] p. 12 of the decision found on p.17, Record.
- [17] tsn, p. 11, February 7, 1973.
- [18] p. 35, March 7, 1973.
- [19] p. 4, Appellant's Brief.
- [20] tsn, p. 4, February 7, 1973.
- [21] p. 17, id.
- [22] p. 5, id.
- [23] p. 7 of the decision found on p. 17, Record.
- [24] p. 10, decision, found on p. 17, Record.
- [25] p. 11, decision, found on p. 17, record.
- [26] p. 9, tsn, February 7, 1973.

CONCURRING OPINION

AQUINO, J.:

I concur. The trial court's judgment, which is being affirmed, sentences Estanislao Sumadic to "imprisonment for life" and to indemnify the heirs of Luis Sampil in the sum of P12,000. The correct penalty is reclusion perpetua because it is the penalty that carries with it the accessory penalties. "Life imprisonment" is not the correct designation of the penalty.

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