

**PEOPLE OF THE PHILIPPINES, PLAINTIFF AND APPELLEE, VS.
BIENVENIDO CAOILE, ALIASES "BEN CAOILE" AND
"BEN COMMANDO", DEFENDANT AND APPELLANT.**

G.R. No. L-31104. November 15, 1974

Ponente: ANTONIO, J.

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ANTONIO, J.:

Appeal from the decision of the Circuit Criminal Court, Sixth Judicial District, Manila, dated June 20, 1969, convicting appellant Bienvenido Caoile aliases "Ben Caoile" and "Ben Commando", of the crime of murder and sentencing him to suffer the penalty of reclusion perpetua, to indemnify the heirs of the victim, Guido Recidoro, in the sum of P12,000.00 and to pay the costs.

At about 8:15 o'clock on the night of January 12, 1969, while several persons were putting up streamers and other decorations along Quirino and Herbosa Streets, Tondo, Manila preparatory to the holding of the barrio fiesta in said locality, Guido Recidoro y Cortez, 26 years of age and resident of said neighborhood, was attacked and stabbed to death by at least three assailants. That same evening, the body of the victim was brought to the Jose R. Reyes Memorial Hospital by Tessie Recidoro, sister of the victim.

Acting upon information furnished them by Rodolfo Ibisate, who claimed to have witnessed the killing, police operatives led by Pat. Isagani Tolentino of the MPD, proceeded to the scene of the crime. Ibisate indicated to the police investigators the scene of the crime, which was in front of House No. 84-B, Quirino Street, Bo. Magsaysay, Tondo, Manila. At the place pointed to by Ibisate as the particular spot where the victim fell, the police investigators found splotches of blood. A certain Jose Co, whose wife is a cousin of the victim, informed the investigators that he witnessed the incident. On the afternoon of January 15, 1969, Rodolfo Ibisate, Jose Co and Arsenio Vega, gave written accounts of the incident to the police. In the meantime, on the morning of January 13, 1969, Dr. Camilo B. Casclang, Medical Examiner of the Manila Police Department, conducted an autopsy upon the cadaver of the deceased. His post-mortem findings are as follows:

"MISCELLANEOUS EXTERNAL WOUNDS AND EXTENSION
INTERNALLY

(1)

Stab wound located in the right upper chest wall directed from front to back diagonally downwards to the right, piercing thru & thru the right diaphragm and the right liver lobe, causing profuse bleeding, shock death of victim (Fatal).

(2)

Stab wound located in the left lower lumbar region of back (non-penetrating).

(3)

Stab wound located in the right upper lumbar region of back (non-penetrating).

OTHER EXTERNAL FINDINGS;

(A)

Hacking wound located in the lateral right lower arm, cutting the skin and muscle only.

(B)

Hacking wound located in the upper right lumbar region of back cutting the skin and muscle only.

(C)

Hacking wound located at the mid occipital region of head, cutting the whole thickness of the scalp, but did not fracture the skull.

(D)

Spotty (4) abrasions in the left anterior chest.

(E)

Abrasions one below each knee.

(F)

Abrasion (1) located in the lateral right lower leg.

MISCELLANEOUS FINDINGS IN INTERNAL ORGANS:

RESPIRATORY SYSTEM:

Stab wound piercing thru & thru the right diaphragm (Fatal-supra).

DIGESTIVE SYSTEM:

(1)

Stab wound piercing thru & thru the right liver lobe (Fatal-supra)

BONES AND JOINTS:

Stab wound cutting the sternum at the level of the 4th right intercostal space (Fatal-supra).

CAUSE OF DEATH:

Profuse exsanguinating hemorrhage (1000 cc blood recovered in the right thorax; 1000 cc inside abdomen), shock, due to multiple hacking and stabbing wounds, one stab wound being fatal; piercing thru & thru the right diaphragm and the liver lobe (Fatal)."

As a result of this investigation, a general alarm for the arrest of Ben Caoile, alias "Ben Commando", Ibarra Gosim y Canas, Sisong Monroy and one alias Danny Palaka", as suspects in the commission of the said crime, was sent by the police to its various precincts. Only appellant, however, was apprehended on May 24, 1969, as the others succeeded in eluding the police dragnet and remained at large during the trial of the case. When investigated by the police regarding his involvement in the incident, appellant Ben Caoile refused to give any statement.

The issue posed in this appeal is the credibility of the two prosecution eyewitnesses who pointed to appellant as one of those who attacked and inflicted the mortal blows on the victim.

Rodolfo Ibisate, 24 years of age, married, driver, and residing at 72-C Herbosa Ext., Bo. Magsaysay, Tondo, Manila, declared that he knows appellant, being his neighbor for more than three years; that at about 8:15 o'clock on the evening of January 12, 1969, while he was at Quirino Street, Herbosa, Tondo, Manila, his attention was directed to a commotion that occurred on the said street, wherein he saw from a distance of about fifteen (15) meters, appellant Ben Caoile armed with a hunting knife, together with Sisong Monroy holding an ice pick, and Ibarra Gosim with a bolo, attack and stab the victim, whom he learned later to be Guido Recidoro; that while he saw the said assailants stab the victim several times, he did not know the number of times each of the accused stabbed the victim; that the place where the crime occurred was sufficiently illuminated by the lights coming from the adjacent houses; that after the stabbing he saw a boy by the name of "Danny Palaka" pick up a piece of hollow block which he dropped on the head of the deceased, and thereafter, the four ran away; that in running out of Bo. Magsaysay, they passed near the place where he was standing.

Arsenio Vega, 55 years of age, married, carpenter, and residing at Cabili Street, Bo. Magsaysay, Tondo, Manila, corroborated Ibisate's testimony. He testified that on that same night, while he was walking along Quirino Street on his way home, he noticed, upon reaching Herbosa Ext., a commotion on Quirino Street and saw someone being stabbed and hacked by three assailants whom he was able to recognize later as appellant Ben Caoile, Sisong Monroy and Ibarra Gosim while they were running away from the scene of the crime and passed a place in front of him; that he knows the three accused; that appellant was then armed with a hunting knife, while his companions — Ibarra Gosim and Sisong Monroy — were holding a bolo and an ice pick, respectively; that he was able to recognize appellants and his companions because he had known them for more than three years; that he came to know the name of the victim later as Guido Recidoro.

Appellant insists that the aforementioned two eyewitnesses could not have actually recognized the assailants of the deceased "because they were quite far from the scene of the crime and it was dark," and that "even if it were true that appellant passed in front of said witnesses, it could not be concluded that he came from the scene of the crime and that he was one of the perpetrators." The infirmity of these contentions stems from the fact that both these witnesses had known appellant and his two companions for more than three (3) years prior to the incident, and could not possibly have been mistaken as to the appellant's identity, considering that when appellant and his companions fled, they passed only about a meter away from the place where the two witnesses were then watching the incident, and appellant was seen still holding his hunting knife, while Ibarra Gosim had a bolo and Sisong Monroy was holding an instrument that looked like an ice pick. It must be noted that Ibisate declared that he saw appellant stab the victim with a hunting knife, while Ibarra Gosim and Sisong Monroy cooperated in the attack, and the place where the stabbing took place was quite bright because of the lights coming from the adjacent houses. The absence of any improper motive on the part of these witnesses, together with the spontaneity with which they positively identified appellant Ben Caoile, Ibarra Gosim and Sisong Monroy as the assailants of the deceased immediately after the incident, strongly indicates their sincerity and veracity. It has been observed that the demeanor of a witness on the witness stand is often a better evidence of his veracity than the answer he gives.[1] In the case at bar, the trial court noted that the testimonies of these two witnesses "were given in a clear, categorical and straightforward manner which are the earmarks of truth." We must rely upon the trial court's observation, considering that when the issue is one of credibility, appellate courts generally do not disturb the findings of the trial courts, as they are in a better position to decide the question, having heard the witnesses themselves and observed their demeanor and deportment during the trial, unless some facts of weight and substance had been overlooked which, if considered, might affect the result of the case.[2]

As against the positive identification of the appellant as one of the perpetrators of the offense, appellant interposes the defense of alibi, claiming that he could not have committed the crime because he was inside a store about forty (40) meters away from the place, drinking Cosmos soft drink with his wife, when someone shouted that

somebody had been stabbed. This caused the people to panic and scamper away, while he and his wife also ran towards their home.

Veronica Austria, another witness for the defense, claims that on the night of the stabbing incident, she was walking along Qurino Street when all of a sudden a boy who was hanging buntings and other decorations fell to the ground unconscious, and thereafter, a commotion ensued. In the commotion, she saw Sisong Monroy grappling with and stabbing at another man who then fell to the ground. Afterwards, she saw Ibarra Gosim approach the same victim and drop a cement hollow block on the latter's head. She insists that she did not see appellant at that place at the time of the aforementioned occurrence.

Appellant's mother, Flora Caoile, attempted to impute improper motives on the prosecution witnesses by stating that Jose Co admitted to her that his son was implicated because they wanted her to reveal the whereabouts of Sisong Monroy and Ibarra Gosim. The implausibility of this claim of Flora Caoile is, however, evident from the fact that immediately after the commission of the crime and several days before appellant was arrested, Rodolfo Ibisate and Arsenio Vega had positively identified appellant and his companions as the assailants of Guido Recidoro.

We find no cogent reason to depart from the well-settled rule that courts should exercise great caution in accepting the defense of alibi because it is easily concocted and such defense cannot prevail over the positive identification of the accused by credible witnesses. In the case at bar, appellant was positively identified as one of those who attacked and stabbed the deceased Guido Recidoro. The testimony of the aforesaid witnesses is further corroborated by medical findings to the effect that the victim was attacked and stabbed by more than one assailant, as indicated by the number, location and character of the wounds. As shown by Dr. Casaclang, Medical Examiner of the Manila Police Department, the "profuse exsanguinating hemorrhage" was due to multiple hacking and stabbing wounds; the presence of four (4) stab wounds, one of which was fatal, piercing thru and thru the right diaphragm and the right liver lobe; Wound No. 1 was caused by a double-bladed weapon because both extremities of the wound were sharp, while Wounds Nos. 2 and 3 were inflicted by single-bladed weapons and the other wounds by "rough instruments", indicating that at least three (3) kinds of weapons were used.

Considering that the victim at the time of the attack was unarmed, he was, therefore, no match to his three (3) assailants who were all armed with bladed or sharp-pointed weapons. Under such circumstances, We believe that the assailants took advantage of their superior strength, which physical superiority qualifies the crime as murder.

IN VIEW OF THE FOREGOING, We agree with the trial court that the guilt of appellant of the crime charged has been established beyond all reasonable doubt. As the decision under review is in accordance with law and the evidence, the same is hereby affirmed. With costs.

Fernando, (Chairman), Barredo, Fernandez, and Aquino, JJ., concur.

[1] People vs. Solana, 6 SCRA 60, 68.

[2] People vs. Juan Ancheta, et al. L-29581-82, October 30, 1974.

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