

PEOPLE OF THE PHILIPPINES, PLAINTIFF-APPELLEE, VS. JOEMI BALACIO AND BONIFACIO BISAYA @ “PICOY”; DEFENDANTS-APPELLANTS.

G.R. No. 100606. June 04, 1993

Ponente: QUIASON, J.

Read online (full-text search, related cases, audio case brief): <https://batas.org/library/g-r-no-100606/>

QUIASON, J.:

This is an appeal from the decision of the Regional Trial Court, Branch 8, La Trinidad, Benguet in Criminal Case No. 745, finding appellants guilty beyond reasonable doubt of murder and sentencing them "to suffer the penalty of Reclusion Perpetua and to indemnify the heirs of the deceased, Emeterio Pascua in the amounts of P90,000.00 for loss of support, P100,000.00 for moral damages, and P30,000.00 for his death, and to pay costs" (Decision, p. 29; Rollo, p. 44).

The information filed in Criminal Case No. 745 charged appellants of murder committed, as follows:

"That on or about the 31st day of December, 1978, at Asin, Municipality of Sablan, Province of Benguet, Philippines, and within the jurisdiction of this Honorable Court, the above-named accused, conspiring, confederating and mutually aiding one another with deliberate intent to kill and with evident premeditation, by the use of superior strength and treachery, did then and there wilfully, unlawfully and feloniously attack, assault, strike and wound one EMETERIO N. PASCUA, by then and there inflicting multiple hacking wounds to the neck, face, hands and other parts of the body of the said deceased which directly caused his death shortly thereafter."

"That in the commission of the crime, the aggravating circumstance of nighttime is present, the same being sought by the accused in order to insure its commission thereof" (Rollo, p. 17).

The evidence established that at dusk of December 31, 1978, Francisco Iday went to the house of Emeterio Pascua at Asin, Municipality of Sablan, Province of Benguet, upon the latter's invitation to celebrate the New Year. They, then, decided to go to the Rimando Hotel to continue their celebration, because Pascua's wife disliked drinking in their house. Before leaving the house, Pascua asked Iday to purchase liquor at a nearby store and told him that they would meet at the hotel. At the store, Iday saw appellants, who asked him if he came from the house of Pascua. Not getting an answer from Iday, the two left. After buying the liquor, Iday proceeded to his house to inform his wife that he was going to the Rimando Hotel to join Pascua. Upon reaching his house, he saw the accused enter his gate, prompting him to ask them what they were doing there. The two answered that they were just on their way home. On his way to the hotel, Iday saw appellant Bisaya getting some bolos hidden under some shrubs. Appellants slung the bolos, which were sheathed in scabbards, on their shoulders. After appellants left, Iday returned to his house to tell his wife about the appellants, who were acting suspiciously. His wife asked him to fetch water before going to the hotel. On his way to fetch water, he saw Pascua walking towards a store. Appellants crossed to the other side of the creek and waited by the road side for Pascua. When the latter came out of the store, appellants suddenly started hacking him with their bolos. Then they fled.

Dr. Felicisimo C. del Rosario, who performed a post-mortem examination on the cadaver of Pascua, reported finding two hack wounds which severed the trachea, esophagus and blood vessels of the right nape of the neck, two hack wounds on the jaw, and a hack wound on the right wrist. The cause of death was "cardio-respiratory arrest due to shock and hemorrhages".

According to Dr. Del Rosario, the injuries could have been inflicted with a sharp-bladed instrument by one or more persons.

Appellants presented a two-pronged defense. They put up the defense of alibi and at the same time they questioned the credibility of the prosecution's sole eyewitness, Francisco Iday.

Appellant Balacio claimed that in the afternoon of December 31, 1978, he went to the Asin Hot Spring and stayed there to celebrate the New Year, with appellant Bisaya, Elmos Lingbanan and Wilson Ducay. He got inebriated and slept until early morning of the next day. Appellant Bisaya also testified that he was with his co-accused in the Asin Hot Spring the whole night of December 31, 1978 (Appellants' Brief, pp. 42-49; Rollo, p. 55).

The defense of alibi will not prosper. The Asin Hot Springs Center, where appellants allegedly spent the night of December 31, 1978, was in the same municipality as the scene of the crime. It was, therefore, not physically impossible for appellants to take time out of their drinking spree, commit the crime and return to the center to continue drinking (*People v. Alcantara*, 33 SCRA 812, [1970]).

Fatal to the defense of alibi is the positive identification of appellants as the perpetrator of the crime (*People v. Valiente*, 213 SCRA 499 [1992]).

Appellants admitted that the narration of Iday "may appear convincing as is". However, they claimed that a "searching scrutiny" of the testimony will expose the "badges of unreliability" therein (Appellants' Brief, p. 14; Rollo, p. 55).

Appellants argued that from the vantage point of Iday about 120 feet from the crime scene, he could not have seen the hacking of Pascua inasmuch as the trees obstructed the moonlight and light from the lamp post (Appellants' Brief, pp. 19-24; Rollo, p. 55). The trial court, after the ocular inspection of the crime scene, noted:

"x x x the trees referred to, although they may obstruct moonlight at night, would not obstruct, and could not have obstructed during that night of the crime, the illuminations of the street lamp on the mercury electric lamp post at the end of the road shown at the background, right upper corner of the picture marked Exhibit "K" (p. 267, Record). An imaginary straight line drawn from the top of the electric post 120 feet away and down to the top of the head of the person facing the camera in the picture and standing on the dried human blood stains (Exh. "K-1") would not in any way be obstructed by any part of the star apple trees. Similarly, the illumination of the small electric bulb on top of the main door of the Asin hotel at the other end of the road, shown in the other picture, Exhibit "L" (ibid.), at the background upper left corner. Likewise an imaginary straight line drawn from the top of the head of a person with an average height standing on the same blood stains (Exh. "L-1"), to the said small bulb not in anyway be obstructed by any part of the apple trees. Added to these illuminations was that coming from the bonfire that was starting to burn at that end of the road where the mercury electric lamp post stood (Exh. "K")" (Decision, pp. 22-23; Rollo, pp. 37-38).

Appellants also questioned as unnatural, Iday's shadowing their movements from the time he saw them at the store where he bought liquor up to the time of the stabbing of Pascua (Appellants' Brief, pp. 24-31; Rollo, p. 55). Any person in Iday's place would be suspicious of appellants after seeing them enter the gate leading to his house and retrieving bolos from under the shrubbery. It was easy for anyone to conclude that appellants had bad intentions from their actuations.

This is particularly true with respect to Iday who knew of the animosity between Pascua and appellants (Decision, p. 26; Rollo, p. 41). Pascua earlier mentioned to him, that if appellants did "not get him" first, he would be the one "to get" them (TSN, p. 25, January 25, 1984, pp. 5-6)

The delay in Iday's revealing the names of appellants to the police, (Appellants' Brief, pp. 14-16; Rollo, p. 55) was explained to the satisfaction of the trial court. Aside from the genuine fear of Iday for his own life and those of his family at the hands of appellants, he testified that strangers had been coming to his place for several days after the incident.

We defer to the appraisal of the trial court of the credibility of the witnesses for the prosecution and the defense. Being supported by the evidence, the findings of the trial court will not be disturbed (Caubang v. People, 210 SCRA 377 [1992]).

The trial court awarded civil indemnity for the death of the victim in the amount of P30,000.00. This Court has increased the civil indemnity to be awarded for the death of the victim to P50,000.00 (People v. Sison, 189 SCRA 700 [1990]).

WHEREFORE, premises considered, the judgment appealed from is AFFIRMED with the modification that the civil indemnity shall be increased to P50,000.00.

SO ORDERED.

Cruz, (Chairman), Griño-Aquino, and Bellosillo, JJ., concur.

ABOUT BATAS.ORG

Study smarter at BATAS.org

The Philippine bar review and law-school companion built around how your brain actually remembers.

The complete Philippine law library - free for everyone.

More than 100,000 Supreme Court decisions, Republic Acts, and executive issuances - full-text searchable, browsable by category and year, and always free. No paywall, no login. This PDF came from it.

Audio case-brief lectures.

Any decision becomes a podcast-style lecture - facts, issues, ruling, and doctrine - with read-along highlighting and a hands-free presentation mode. Study while commuting, working out, or resting your eyes.

Bar review built on the science of memory.

Complete, sequenced courses for all eight bar subjects, narrated like podcasts and reinforced with retrieval practice and spaced review - the study techniques with the strongest evidence behind them.

The full law-school curriculum.

One subscription unlocks the entire J.D. curriculum - every subject, every lesson, with your progress tracked down to the paragraph so you can pick up exactly where you left off, on any device.

Mock exams that tell you where you stand.

Timed multiple-choice exams graded instantly, with per-subject score breakdowns and focus suggestions that point you at your weakest topics first.

A study planner that keeps you on pace.

Set your schedule and BATAS tells you every day whether you are on track for bar day - and exactly which lesson to take next.

Start free at <https://batas.org>

The law library is free forever - and your first lesson is one click away.

The text of this document is an official public record and remains in the public domain. Formatting, presentation, and compilation © 2026 batas.org.

Downloaded free from the batas.org Law Library. Share it freely - the library is free for every law student, bar reviewee, and practitioner.