

PEOPLE OF THE PHILIPPINES, PLAINTIFF-APPELLEE, VS. SULPICIO PAJARES Y HAGONoy, ACCUSED-APPELLANT.

G.R. No. 100804. April 29, 1994

Ponente: PADILLA, J.

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PADILLA, J.:

This is an appeal from the decision* of the Regional Trial Court of Manila, Special Criminal Court, Branch 5, in Criminal Case No. 88-61719, which found accused-appellant Sulpicio Pajares y Hagonoy guilty of the crime of murder, the dispositive part of which reads:

"WHEREFORE, the Court finds accused SULPICIO PAJARES Y HAGONoy GUILTY beyond reasonable doubt of the crime of Murder, for having killed without provocation and with treachery one Alberto Pilapil y Magdura, and sentences him to suffer the penalty of LIFE IMPRISONMENT; to indemnify the heirs of the deceased Alberto Pilapil y Magdura the sum of Thirty-Thousand (P30,000.00) Pesos as damages, and to pay the cost.

SO ORDERED."[1]

The Information filed against accused-appellant, dated 15 March 1988, reads as follows:

"The undersigned accuses Sulpicio Pajares y Hagonoy of the crime of Murder, committed as follows:

"That on or about March 7, 1988, in the City of Manila, Philippines, the said accused, with intent to kill and with treachery and evident pre-meditation, did then and there wilfully, unlawful-ly and feloniously attack, assault and stab one ALBERTO PILAPIL Y MAGDURA on the different parts of his body with a pair of scissors thereby inflicting upon said ALBERTO PILAPIL Y MAGDURA mortal stab wounds which were the direct cause of his death thereafter.

"Contrary to law."[2]

Upon arraignment, accused pleaded not guilty, and thereafter trial ensued.

The facts establish that on 7 March 1988, between 9:00 and 10:00 o'clock in the evening, at the corner of Bilbao and Padre Rada Streets, Tondo, Manila, an ambulant vegetable vendor by the name of Alberto Pilapil, a.k.a. "Betty" was busy manning his pushcart when all of a sudden, a man came from behind his right side, and without any warning or provocation on his part stabbed him (Pilapil) on the lower part of the chest. The assailant then hastily ran towards Bilbao Street.

Reynaldo de Vera, an eyewitness to the incident, testi-fied that on that same night of 7 March 1988, he was in his vegetable stall, waiting for the cargo trucks that would be bringing vegetables from Nueva Ecija and Lucban, Quezon Province. At about 9:00 to 10:00 P.M., while he was busy attending to his business, he saw Betty with his pushcart loaded with vegetables. The street was very well lighted by many electric lights that lined the street, not to mention the lights of the different stores as well as stalls that also lined the street. According to him, he was at least four (4) arms length away from where Betty stood when he noticed accused-appellant come from behind the

right side of the former, drew something from his waist which appeared to be a bladed instrument about six (6) to seven (7) inches long, and used it to stab Alberto Pilapil on the chest. Accused-appellant then immediately fled towards Bilbao Street while carrying such bladed instrument.

The stabbing at first caused Betty to fall sprawling on the ground, at the same time creating a pandemonium around the place. As the people near him rushed to his rescue, Betty recovered his ground and ran towards Ylaya Street headed for the nearest hospital with a lot of blood oozing from his body.[3]

At about the same time, Police Corporal Amador Regalado of the Manila WPD Homicide Investigation Division, was somewhere near the vicinity of the stabbing incident. He testified that on 8 March 1988 at around 1:00 A.M., he was at the corner of Bilbao and Padre Rada Streets, Tondo, Manila on a follow-up mission involving the rape and murder of a Chinese girl. While patrolling his beat, a concerned citizen approached him and told him about the stabbing incident and that the suspect was seen roaming around the market area along Bilbao and Padre Rada Streets. Forthwith, he proceeded towards the said area.

Along the way, Corporal Regalado met Reynaldo de Vera who told him about the incident. When they drew near the said market area, they saw a man fitting the description of the person who had stabbed Alberto Pilapil (Betty). The said man appeared to be drunk and swaying, holding on what appeared to be a pointed weapon tucked inside his waist.

As they drew closer, Reynaldo de Vera immediately recognized accused-appellant as the person who stabbed Betty and pointed him to Corporal Regalado as the assailant. Wasting no time, Corporal Regalado immediately collared the man and frisked him. He found a half bladed black scissor that was tucked under the accused's waistline partly covered by a black waist bag.

Since Corporal Regalado was previously informed that Alberto Pilapil was at the nearby Mary Johnston Hospital, he decided to bring accused with him to the said hospital for identification purposes.[4]

At the emergency room of the Mary Johnson Hospital, Corporal Regalado presented accused to the victim, and during the confrontation, Alberto Pilapil, who was still alive and conscious at the time, identified accused as his assailant.[5]

Thereafter, Corporal Regalado brought accused to the Police Headquarters (WPD) for booking. While the documents were being prepared, witnesses to the incident arrived to give their formal statements to the police. One of these witnesses was Reynaldo de Vera who positively identified the accused while inside a cell together with other inmates.[6]

Corporal Regalado further affirmed that during the confrontation, the accused was represented by one Atty. Borquis of the CLAO,[7] who also represented accused during the custodial investigation. According to Regalado, the accused, in the presence of his counsel, verbally admitted that he stabbed the victim. Such confession, however, was not reduced in writing.

There were two (2) doctors who examined Alberto Pilapil. The first was Dr. Cesar Paloma, a resident physician of the Mary Johnson Hospital who testified that after examining the patient (Pilapil), he had to reject his admission as the hospital was not equipped to handle the nature of the wound he sustained.⁷ Upon the patient's request, Pilapil was transferred to Jose Reyes Memorial Hospital where he was operated on. He was examined by one Dr. Jeremias Domingo who brought his medical records to the court.[8] According to him, the patient (Alberto Pilapil) died on 8 March 1988 at about 10:35 P.M.[9]

Accused-appellant anchored his defense mainly on denial. He testified that on 6 March 1988, he was in Paspasin,

Oriental Mindoro arranging the vegetables he bought to be shipped to Manila. Together with one Hilario Candido, they loaded their vegetables on a jeep and took the ferry boat that plied from Oriental Mindoro to Batangas. From Batangas, their jeep proceeded to Manila and arrived in Divisoria in the evening of 7 March 1988 where he proceeded to sell his goods. After making a sale of about one thousand pesos, he was invited by a friend by the name of Paulo Ramos for a drink in Berlin Restaurant, Ilaya, Tondo, Manila (also in Divisoria).

According to accused-appellant, they stayed at the Berlin Restaurant for sometime because they consumed about five (5) bottles of beer. After drinking, or at about 11:00 P.M., they proceeded to a place in Bilbao Street, Tondo, Manila where Ramos worked. At about 1:00 A.M., in the early morning of 8 March 1988, he and Ramos were in the middle of a conversation when he was arrested by Police Corporal Regalado. He claimed that without any warning, he was collared by Regalado and whipped with the butt of the latter's service pistol; after which Regalado informed him that he was under arrest for having figured in a stabbing incident.

He admitted that he was brought to the Mary Johnston Hospital where he was made to face the victim and that Cpl. Regalado allegedly asked the victim: "Who was the person who stabbed you?" and with that question, the victim (Pilapil) pointed at him.[10]

He claimed that he did not know the victim Alberto Pilapil prior to the incident. Later, he was placed inside a cell together with five (5) other inmates. When the witnesses of the victim arrived, they (the inmates) were made to form a line-up. During the line-up, he admitted that he was identified by the prosecution's witnesses.[11]

His story was corroborated by Hilario Candido who testified that he accompanied accused from Paspasin, Oriental Mindoro to Divisoria on 6-7 March 1988; that after unloading the goods at a bodega at No. 3 Bilbao Street, Tondo, Manila, they went to the Berlin Restaurant where they drank about two (2) bottles of beer. Afterwards, they went back to the bodega at Bilbao Street where they stayed for another thirty (30) minutes, after which he decided to go home.[12]

On cross-examination, Candido admitted that even while they were in Paspasin, Oriental Mindoro, he saw that accused was already in possession of a half bladed scissor similar to that recovered from the accused by Corporal Regalado.[13]

In a memorandum dated 25 September 1991 (which the Court treated as appellant's brief), accused-appellant appeals the judgment of conviction by the court a quo and assigns the following errors:

- a) THAT NO TREACHERY, PREMEDITATION AND OTHER ELEMENTS OF THE CRIME OF MURDER WERE PROVED BY THE PROSECUTION;
- b) THAT NO MOTIVE FOR THE STABBING AND KILLING OF THE VICTIM WAS SHOWN ON THE PART OF THE ACCUSED, THEREBY SUGGESTING DOUBT AS TO THE PART OF THE ACCUSED IN THE DEATH OF THE VICTIM;
- c) THAT THE VICTIM DIED WITHOUT HIM FORMALIZING IN WRITING HIS ALLEGED IDENTIFICATION OF THE ACCUSED DURING CONFRONTATION WHILE STILL ALIVE, RAISING GRAVE DOUBT AS TO THE ADMISSIBILITY OF THE FACT;
- d) THAT THE PENALTY IMPOSED IS EXCESSIVE, UNREASONABLE AND NOT PROPORTIONATE TO THE OFFENSE FOUND, EVEN IF GUILTY.

Accused-Appellant argues that while it may be of judicial notice that some persons turn violent when under the heavy influence of liquor, he was not in that condition when he was arrested by Corporal Regalado, meaning that there was no previous showing that, assuming he was drunk, he was acting violently.

The argument is puerile. Nowhere in the records was it established that he was arrested simply because he was drunk. Rather he was positively identified by the prosecution witness who pointed him to the police as the perpetrator of the offense, and which thus supplied the probable cause for the police corporal to stop, arrest and frisk the accused.

While it may be conceded that there was not shown any evident premeditation on the part of accused-appellant in committing the offense, it was nevertheless clearly established that treachery attended the attack against the victim Alberto Pilapil.

Well settled is the rule that there is treachery when the offender adopts means, methods, or forms in the execution of the felony which insures its commission without risk to himself arising from any defense which the offended party might take.[14]

In the case at bench, the prosecution has conclusively proved by the clear and positive testimony of eyewitness Reynaldo de Vera the manner in which Alberto Pilapil was stabbed by accused-appellant.

This Court has ruled that there is treachery where the prosecution's evidence proves beyond cavil that the accused suddenly and unexpectedly stabbed the victim on the back[15] or from behind in a sudden and unexpected manner.[16]

Corollarily, accused-appellant cannot be heard to insist that no motive for the stabbing and killing of Alberto Pilapil had been adequately shown by the prosecution. But proof of motive is not indispensable for conviction. The element of motive assumes relevance and significance only when the identity of the culprit is in doubt.

In sum, the lame defense of bare denial by accused-appellant cannot overcome the evidence presented by the prosecution proving him guilty beyond reasonable doubt. The solid testimony of Reynaldo de Vera who witnessed the entire incident; the testimony of police corporal Regalado that accused-appellant was positively identified by the victim Alberto Pilapil before his death; accused-appellant's positive identification from among other inmates at the Police Headquarters by de Vera; and lastly, the damaging testimony of defense witness Hilario Candido who admitted that he saw a similar if not the same weapon in the possession of the accused the day before the criminal incident occurred, are enough indicators to an unprejudiced mind that the crime of murder perpetrated by accused-appellant has been established with both moral and legal certainty.

WHEREFORE, premises considered, the judgment of the lower court is hereby **AFFIRMED**, with the modifications that the penalty to be imposed upon accused-appellant is reclusion perpetua and not life imprisonment, in accordance with Article 248 of the Revised Penal Code, and that the indemnity to be paid by accused-appellant to the heirs of the victim Alberto Pilapil is Fifty Thousand Pesos (P50,000.00) (not Thirty Thousand Pesos) conformably with prevailing jurisprudence

SO ORDERED.

Narvasa, C.J., (Chairman), Regalado, and Puno, JJ., concur.

* Penned by Judge Felix L. Mintu

[1] Rollo, p. 13

[2] Rollo, p. 3

[3] TSN, July 27, 1988, pp. 1-11

- [4] TSN, July 27, 1988, pp. 9-10
- [5] Ibid. pp. 11-12
- [6] Ibid. pp. 14-15
- [7] Ibid. p. 21
- [8] TSN, February 10, 1989, p. 22
- [9] Exhibit "g" for the prosecution.
- [10] TSN, April 29, 1989, pp. 2-6
- [11] Ibid. p. 7
- [12] TSN, June 15, 1989, pp. 2-7
- [13] Ibid., p. 9
- [14] Article 16, par. 16, Revised Penal Code
- [15] People v. Ybeas, 213 SCRA 793, G.R. No. 98062, 11 September 1992
- [16] People v. Antod, 215 SCRA 190, G.R. No. 95684, 27 October 1992

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