

PEOPLE OF THE PHILIPPINES, PLAINTIFF-APPELLEE, VS. WILFREDO MORALES, ACCUSED-APPELLANT.*G.R. No. 104994. February 13, 1995*

Ponente: REGALADO, J.

Read online (full-text search, related cases, audio case brief): <https://batas.org/library/g-r-no-104994/>**REGALADO, J.:**

Accused-appellant Wilfredo Morales, also known as "Willie Bato," interposes this appeal for the reversal of the judgment rendered by the court a quo on February 5, 1992 finding him guilty beyond reasonable doubt of the crime of murder, qualified by treachery, and sentencing him to suffer the penalty of reclusion perpetua with all its accessory penalties, to indemnify the heirs of the deceased in the amount of P50,000.00, to pay the sums of P9,000.00 as funeral expenses and P20,000.00 as moral and exemplary damages, all without subsidiary imprisonment in case of insolvency, and to further pay the costs. [1]

In Criminal Case No. 72122 assigned to Branch 156 of the Regional Trial Court of Pasig, Metro Manila, appellant was charged with murder in an information alleging —

"That on or about the 3rd day of December 1987, in the municipality of Mandaluyong, Metro Manila, Philippines, and within the jurisdiction of this Honorable Court, the above named accused, armed with an unknown make or caliber of gun, with intent to kill, treachery and evident premeditation, taking advantage of superior strength, did then and there willfully, unlawfully and feloniously attack, assault and employ personal violence against the person of Rogelio Lodo by then and there shooting him with an unknown make or caliber of a gun, as a result of which said Rogelio Lodo sustained mortal wounds on the different parts of the body which caused his death." [2]

Appellant pleaded not guilty when arraigned on March 26, 1991 and thereafter stood trial, from the records whereof the antecedent facts that follow emerge as the backdrop of this appellate review.

On December 3, 1987, at around 8:00 o'clock in the evening, Carmelita Legaspi saw appellant, armed with a short firearm around six inches in length, [3] passing in front of her residence while he was walking along Kapalaran Street, Barangka Drive, Mandaluyong, Metro Manila. Appellant, who was then wearing a jacket and short pants, walked towards Carmelita's brother, Rogelio Lodo, who was then lying sideways on top of a table in front of his house, and shot him twice apparently without warning. [4] The first shot hit Rogelio on the right thigh, causing him to fall to the ground. Instantly, the second shot was fired and another gunshot wound was sustained by the victim on the body, as shown by the trajectory of the .38 caliber slug recovered from his buttocks. [5] Thereafter, Rogelio tried to run away from his assailant, but appellant pursued him until the victim eventually fell down. [6]

After the initial commotion, appellant walked past Carmelita and threatened her by saying, "Ikaw rin papatayin ko," [7] which scared the latter and caused her to go inside her house. Meanwhile, after Rogelio lay prostrate on the ground, some bystanders carried and brought him to a vehicle where he was taken to a nearby hospital. He died thereafter as a result of the gunshot wounds, with the cause of death stated as hemorrhagic shock in the autopsy report submitted by Dr. Desiderio A. Moraleta. [8]

Legaspi's testimony was substantially corroborated in its material points by Rebecca Maraya, a first cousin of the victim. She testified that at the time of the incident, she was on her way to her aunt's house situated in the interior part of the area. While she was about to go inside her aunt's house, she saw appellant approach her cousin, Rogelio Lodo, and suddenly shoot him with a gun about six inches long. [9] Witness Maraya claimed that she was then approximately five meters from the locus criminis, while her cousin, Rogelio, was about only one meter away from the appellant when he was shot. [10]

She saw appellant when he approached her cousin because there was light coming from the house of the victim. After witnessing the aforesaid incident, this witness, who at that time was pregnant, was so shocked that she fell unconscious. [11] The records also reveal that during the incident, there were several people outside the house of the victim but they declined to testify and their names were not disclosed.

The defense, on the other hand, contended that appellant was not at the scene of the crime during said date and time. Matilde Labampa, a friend of appellant's sister, testified that she had theretofore known appellant. She recounted that while walking along Kapalaran Street on her way home, she heard two shots and saw a man wearing a black t-shirt running while holding a gun. [12] During the cross-examination, she said that she did not tell the police that they arrested the wrong person, despite the fact that she knew of the arrest of appellant and lived only three houses away from his residence, and it was only when the case was in court that she decided to tell the truth. [13] After she heard the shots, she stepped aside and saw the man running around twenty meters away, but she admitted that she could not recognize his face. She further claimed that she was the only person who saw that man wearing a black t-shirt running away. [14]

Appellant merely denied the accusation against him and countered that he is not "Willie Bato," that he does not have any knowledge of the facts testified to by the two prosecution witnesses, that he had no participation in the alleged killing because he left his residence on November 15, 1987 to go with his friend named Ferdinand Topacio to Cavite, and he came back only in January, 1988. [15]

According to him, during those days when he was away, he worked as a part-time construction worker in a subdivision located in Barangay Sta. Esteban, Dasmariñas, Cavite, but he could not recall the name of the owner nor could he identify the contractor. [16] He supposedly worked there for two weeks and thereafter transferred to another site, also in Dasmariñas, Cavite. With respect to his second employment, he likewise could not give the name of his employer. He further alleged that at the time of his arrest, he was not informed of the charge against him nor was there any warrant of arrest produced and presented to him. [17]

As earlier stated, the trial court convicted him of murder as charged, hence the instant appeal anchored on his contentions that the lower court erred (1) in giving credence to the testimonies of the two prosecution witnesses, who are related to the victim, and in convicting him of the crime of murder; and (2) in not giving credit to his testimony and that of his witness, and in considering his defense as one of alibi. [18]

The sole issue to be resolved in this case is whether or not the court below erred in finding appellant guilty of the crime of murder based on the testimonies of the witnesses for the prosecution. This Court holds that appellant has been sufficiently identified as the malefactor and that his guilt has been proved beyond reasonable doubt by credible evidence.

The defense expectedly impugns the credibility of the witnesses for the prosecution. In the matter of credibility of witnesses, we reiterate the familiar and well-entrenched rule that the factual findings of the trial court should be respected. [19] The judge a quo was in a better position to pass judgment on the credibility of the witnesses, having personally heard them when they testified and observed their deportment and manner of testifying. It is doctrinally settled that the evaluation of the testimony of the witnesses by the trial court is received on appeal with

the highest respect, because it had the direct opportunity to observe the witnesses on the stand and detect if they were telling the truth. This assessment is binding upon the appellate court in the absence of a clear showing that it was reached arbitrarily [20] or that the trial court had plainly overlooked certain facts of substance or value that if considered might affect the result of the case. [21]

The trial court's conclusions were founded on direct, positive and categorical assertions made by the witnesses as regards the material occurrences. Legaspi and Maraya positively identified appellant as the perpetrator of the crime and, as observed by the trial court, the straightforward manner by which both witnesses narrated the events which led to the death of the victim inspires credibility on their part and belief in their testimony. We are, therefore, inclined to give credence to the narration of said prosecution witnesses since they correspond with the circumstances of the time and place of the shooting. We agree with the trial court that while there seems to be an inconsistency as to the exact position of the victim at the time he was shot, relative to the position of the assailant as borne out by the medico-legal findings, nonetheless the same is a minor matter and is not sufficient to sway the judgment of the Court that indeed appellant was the assailant.

The witnesses gave a detailed account of the events that transpired and they accurately narrated the facts of the shooting incident. Even during the cross-examination, Rebecca Maraya was categorical in her responses, thus:

"Q.

And you did not see the accused shooting your cousin. Am I correct?

A.

I saw him when he shot my cousin.

Q.

What (was) your position relative to the accused when you saw him shooting your cousin?

A.

Because I was to go inside their place. I stopped when I saw him, sir. (Witness pointing to the accused)

Q.

You said a while ago that you heard gunshots. Am I correct?

A.

I saw him when he approached my cousin.

Q.

Was there light at the house of your cousin?

A.

Yes, sir.

Q.

And you said the gun is a small one. How long?

A.

Small. About six inches.

Q.

And you recognized the color of the gun?

A.

It is just a gun.

Q.

Is it black?

A.

No, sir.

Q.

And after the shooting you fell unconscious. Am I right?

A.

Yes, sir. I was shocked.

Q.

After you regain(ed) your consciousness the accused (was) no longer there?

A.

Yes, sir." [22] (Corrections in parentheses supplied)

In its attempt to discredit the testimony of the witnesses for the prosecution, the defense postulates that they are biased on account of their relationship to the deceased. In a long line of cases, the Court has consistently held that the relationship of a witness to a party does not, by itself, impair the credibility of the witness. [23] Mere relationship of the victim to the witness does not automatically impair the credibility of the latter as to render his testimony less worthy of credence where no improper motive can be ascribed to him. [24] On the contrary, a witness' relationship to a victim far from rendering his testimony biased, would even render it more credible as it would be unnatural for a relative who is interested in vindicating the crime to accuse somebody other than the real culprit. [25]

With regard to the second assigned error, it is evident that appellant's assertions are definitely in the nature of an alibi, sought to be bolstered by mere denials of his witness. We have consistently ruled that the defense of alibi cannot prevail over the positive identification of the accused by the eyewitness who had no untoward motive to falsely testify. [26] Also, it is not enough to prove that appellant was somewhere else when the crime was committed, but it must likewise be demonstrated that he was so far away that he could not be physically present at the scene of the crime or its immediate vicinity. [27]

In the case at bar, aside from being positively identified, appellant failed to produce any corroboration that he was in Dasmariñas, Cavite, which is not so distant from Mandaluyong, during the aforementioned date and time of the incident. Also, he could not even name either his employers or the owners of the projects he allegedly worked on. Denials unsubstantiated by clear and convincing evidence are negative, self-serving evidence which deserve no weight in law and cannot be given greater evidentiary weight over the testimony of credible witnesses who testified on affirmative matters. [28]

Appellant was, therefore, correctly convicted of murder as the killing was characterized by treachery. However, for lack of proof, the alleged aggravating circumstances of evident premeditation and abuse of superior strength cannot be considered against him. In any event, under the state of the law at the time of the commission of the offense, the presence of aggravating circumstances, in the absence of mitigating circumstances, would be inconsequential as the penalty to be imposed would be the same.

WHEREFORE, premises considered, the appealed judgment of the trial court is hereby **AFFIRMED**, with further costs in this instance against accused-appellant Wilfredo Morales.

SO ORDERED.

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

- [1] Original Record, 160; per Judge Martin S. Villarama, Jr.
- [2] Original Record, 1.
- [3] TSN, June 10, 1991, 3-4.
- [4] Ibid., id., 8-9.
- [5] Ibid., June 18, 1991, 6.
- [6] Ibid., June 10, 1991, 10-11.
- [7] Ibid., June 10, 1991, 3-4.
- [8] Ibid., June 18, 1991, 4; Exhibit A.
- [9] Ibid., September 11, 1991, 5.
- [10] Ibid., id., 3.
- [11] Ibid., id., 3-5.
- [12] Ibid., November 12, 1991, 3.
- [13] Ibid., id., 5.
- [14] Ibid., id., 6-7.
- [15] Ibid., November 5, 1991, 6.
- [16] Ibid., November 22, 1991, 3-6.
- [17] Ibid., November 25, 1991, 6-7.
- [18] Brief for the Appellant, 11; Rollo, 40.
- [19] People vs. Jacalan, G.R. No. 55050, February 10, 1994, 230 SCRA 1.
- [20] People vs. Abo, G.R. No. 107235, March 2, 1994, 230 SCRA 612.
- [21] People vs. Revillame, G.R. Nos. 100714-15, March 3, 1994, 230 SCRA 650.
- [22] TSN, September 11, 1991, 5.

[23] People vs. Dominguez, et al., G.R. No. 100199, January 18, 1993, 217 SCRA 170.

[24] People vs. Pastoral, G.R. No. 51686, September 10, 1993, 226 SCRA 219.

[25] People vs. Viente, G.R. No. 103299, August 17, 1993, 225 SCRA 361.

[26] People vs. Javier, G.R. No. 104729, February 3, 1994, 229 SCRA 638.

[27] People vs. Talaver, G.R. No. 105390, February 23, 1994, 230 SCRA 281.

[28] People vs. Guibao, G.R. No. 93517, January 15, 1993, 217 SCRA 64; People vs. Mortos, G.R. No. 103632, September 1, 1993, 226 SCRA 29; People vs. Tamayo, et al., G.R. No. 86162, September 17, 1993, 226 SCRA 527.

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.