

PEOPLE OF THE PHILIPPINES, PLAINTIFF-APPELLEE, VS. REYNALDO CORPUZ, ACCUSED-APPELLANT, ROBERT EUFEMIA (AT LARGE), ACCUSED.

G.R. No. 105007. January 18, 1995

Ponente: PUNO, J.

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PUNO, J.:

In a Decision, dated February 17, 1992, of Branch XVIII, Regional Trial Court of Ilagan, Isabela, [1] accused-appellant REYNALDO CORPUZ was convicted of the special complex crime of robbery with homicide. He was sentenced to suffer the penalty of reclusion perpetua and to pay the heirs of the deceased Sonny Lucas the sum of P50,000.00 and the victim, Jesebel Calapini, the sum of P4,850.00, representing the value of the articles stolen from her.

The Information, [2] charged accused-appellant and Robert Eufemia as follows:

"That on or about the 3[rd] day of January, 1991, in the municipality of Cauayan, province of Isabela, Philippines, and within the jurisdiction of this Honorable Court, the herein accused, conspiring, confederating together and helping one another, did then and there wilfully, unlawfully and feloniously, with intent to kill and without any just motive, assault, attack and stab one Sonny Lucas, who, as a result thereof, suffered stab wounds which directly caused his death and simultaneously stab one Jesebel Calapini who likewise suffered a stab wound at her chest, mid-inter scapular line, right, and on the occasion or by reason of the robbery, the herein accused, with intent to gain, take, steal and carry away one (1) ring valued at P800.00; topsider shoes valued at P500.00; bag containing pants and T-shirts valued at P1,000.00 and wallet containing P800.00 all belonging to Sonny Lucas, to the damage and prejudice of the deceased victim in the total sum of P3,100.00.

"CONTRARY TO LAW."

Only accused-appellant was arrested, tried and convicted. Accused Robert Eufemia remains at large.

Prosecution eyewitness JESEBEL CALAPINI testified that on January 3, 1991, at about 9 p.m., she and her common-law husband, Sonny Lucas, [3] were walking in barangay Marabulig, Cauayan, Isabela. They were suddenly accosted by two (2) armed men, one of whom was accused-appellant Reynaldo Corpuz. Accused-appellant and his companion grabbed them, poked a knife at their neck and stripped them of their personal belongings. [4] Accused-appellant then repeatedly stabbed Lucas on the upper chest. She was then about five (5) meters away, watching the gory scene helplessly as accused-appellant's companion was holding her still. Lucas slumped on the ground and was dragged by accused-appellant by the side of the road and covered with cogon grass. It became her turn to be stabbed by accused-appellant and his companion. Accused-appellant stabbed her once on the upper right side of the back, near the shoulder, while she was on hold by his companion. They then carried her and dumped her in a nearby creek. The two men waited for a while, watched if she was still alive, [5] and then left.

She managed to climb out of the creek and rushed to the nearest hospital. She survived but not Lucas. In due time,

she reported the incident to the police authorities. A manhunt was mounted by the police. The police learned that the two (2) suspects, Reynaldo Corpuz and Robert Eufemia, were hiding in the house of Zaldy Garcia in San Fermin, near the scene of the crime. The police raided the house but missed their targets. Nonetheless, they recovered a blood-stained pants belonging to accused Eufemia. [6] On January 11, 1991, the police finally apprehended accused-appellant. They recovered from him Calapini's bag and the pink t-shirt worn by the deceased Lucas at the time of the incident. [7]

Accused-appellant proffered the defense of alibi. He claimed that on said date and time, he was invited for a drink by his friends June Diaz, Zaldy Garcia, accused Robert Eufemia and Junior Abelunar at the Azocena Canteen in Cauayan, Isabela.

Due to excessive drinking, accused-appellant claimed that he passed out. He regained his senses the next morning and found himself in a boarding house of Zaldy Garcia. He asked Garcia and June Diaz what he was doing in said house. They told him that he was so intoxicated the previous night that they had to bodily carry him to Garcia's house. That morning, his two (2) other companions, Robert Eufemia, Jr. and Jun Abelunar, were no longer around.

When he was about to leave Garcia's house, he looked for his bag but was not able to find it. Garcia and Diaz told him that Eufemia and Abelunar may have taken his bag by mistake. His friends then gave him another bag which he could use. He took it and went home. It turned out to be the bag of Calapini.

On January 11, 1991, the police authorities invited him for questioning. He was brought to the Cauayan Hospital where Jesebel Calapini was confined. Calapini saw the bag carried by accused-appellant and claimed it. [8] She then identified accused-appellant though it took her some time to do so. [9]

Defense witness MELCHOR DIAZ corroborated accused-appellant's story. He testified that on January 3, 1991, at around 3 p.m., he went to Cauayan to have his air gun refilled. At about 5 p.m., he proceeded to the Azocena Canteen to take a ride home. While waiting, he saw appellant inside the canteen engaged in a drinking spree with Jun Pablo Diaz, Zaldy Garcia, Nonong Eufemia and Ammang Abelunar.

It took him a while to get a ride back home. Thus, at around 8 p.m., he was still at the restaurant and he saw accused-appellant being bodily carried by his companions into a tricycle. Accused-appellant appeared to be dead drunk. [10]

After trial, the court a quo rendered a Decision [11] convicting appellant of the crime charged. The dispositive portion states:

"WHEREFORE, and in view of the foregoing, the Court finds the accused REYNALDO CORPUZ, GUILTY beyond reasonable doubt of the crime of ROBBERY WITH HOMICIDE as provided for and penalized under Paragraph 1, Article 294 of the Revised Penal Code. There being no aggravating nor mitigating circumstances to be appreciated, he is hereby sentenced to Reclusion Perpetua, together with the accessory penalties of the law. He is hereby ordered further to indemnify the heirs of Sonny Lucas, the sum of P50,000.00 without subsidiary imprisonment in case of insolvency and to pay Dyesebel Calapini the sum of P4,850.00, representing the value of the articles stolen from her, and to pay the costs.

"SO ORDERED."

Hence, this appeal on the following grounds:

I

THE TRIAL COURT ERRED IN NOT DISREGARDING THE IDENTIFICATION MADE BY THE PROSECUTION WITNESS OF THE ACCUSED-APPELLANT AS ONE OF THE PERPETRATORS OF THE CRIME CHARGED.

II

THE TRIAL COURT ERRED IN NOT GIVING EVIDENTIARY WEIGHT TO THE EVIDENCE ADDUCED BY THE DEFENSE.

III

THE TRIAL COURT GRAVELY ERRED IN FINDING ACCUSED-APPELLANT GUILTY OF ROBBERY WITH HOMICIDE BEYOND REASONABLE DOUBT.

We affirm.

Accused-appellant claims that his identification as one of the perpetrators of the crime was tainted with irregularity. He insists that prosecution witness Calapini failed to immediately point to him as one of the culprits upon seeing him at the hospital. He also complains that instead of the usual police line-up, he was made to stand alone before Calapini.

The arguments are unpersuasive. It is true that Calapini did not point to accused-appellant as one of her assailants immediately and straightaway upon seeing him at the hospital. The records show that Calapini took her time to scrutinize accused-appellant's features. She studiously looked him over before identifying him as one of the assailants. Surely, she cannot be faulted for deliberating and making sure that the person presented before her was indeed one of the culprits. When she became certain, however, she decisively and without the slightest hesitation, identified accused-appellant. The unhurried and deliberate manner in which she identified appellant strengthened her credibility. Anent the manner in which accused-appellant was presented before Calapini for identification, we have previously held that there is no rule which requires that, for identification purposes, a suspect should first be placed in a police line-up before presentation to the identifying witness. [12] In any event, we do not entertain an iota of doubt as to the unerring identification of accused-appellant. Even at the trial, prosecution eyewitness Calapini described in detail the appearance of their attackers, thus:

"Q

This person who stabbed you at the back, do you remember what he was wearing at that time?

"A

Yes, sir.

"Q

What was he wearing at that time?

"A

He was in pants and t-shirt, sir.

"Q

What was the color of his t-shirt?

"A

White, sir.

"Q

How about his pants, what color?

"A

Maong, sir.

"Q

What was his footwear?

"A

Rubber sandals, sir.

"Q

What was the color of his rubber sandal?

"A

White, sir.

"Q

Was he wearing a hat at that time?

"A

No, sir.

"Q

How about his other companion, what was he wearing at that time?

"A

He was wearing a maong jacket and pants, sir.

"Q

What is the color of that maong pants?

"A

Blue, sir.

"Q

What is the color of the jacket?

"A

Blue, sir.

"Q

Was he wearing an undershirt under the jacket?

"A

No, sir.

"Q

Was he wearing a footwear?

"A

Yes, sir.

"Q

What color?

"A

White.

"Q

How about the hair of the person whom you claim stabbed you at the back, what is the cut of his hair?

"A

He was sporting a short haircut, sir.

"Q

How about his height?

"A

About 5'5", sir.

"Q

How about his body built?

"A

Medium built, sir.

"Q

How about his other companion, can you describe his height?

"A

Yes, sir. He is a little bit shorter than the barangay captain Lucas. (The barangay captain stood up and said he is 5'8".)

"Q

How about his built?

"A

About your built, sir. [13]

The deliberate and decisive manner in which Calapini identified accused-appellant and her clear testimony during the trial eliminate any doubt as to the participation of accused-appellant in the crime at bench.

Accused-appellant also urges that the mere fact that the stolen bag was found in his possession would not suffice to convict him of the crime charged. He maintains that he has adequately explained his possession of the stolen bag. He further insists that his alibi has been amply corroborated by defense witness Melchor Diaz.

On this score, it should be noted that accused-appellant was found in possession not only of the stolen bag but also of the pink shirt worn by deceased Lucas on that fateful day. The shirt was punctured by several holes resulting from the stabbing of the victim. Accused-appellant miserably failed to explain his possession of this incriminating piece of evidence. It also bears emphasis that the conviction of accused-appellant was not predicated alone on the circumstance that he was found in possession of the stolen bag. The trial court based its finding of accused-appellant's guilt on the collective evidence of both parties.

Neither was accused-appellant's feeble defense of alibi fortified by the testimony of his corroborating witness Melchor Diaz. Diaz himself admitted that he is related, not only to appellant, but also to the latter's alleged drinking companions. [14] We have consistently ruled that where an accused's alibi was established only by himself and his relatives, his denial of culpability deserves scant consideration, especially in the face of affirmative testimonies of credible prosecution witnesses. [15]

Moreover, it does not escape the Court that Diaz' testimony was limited only to the alleged fact that appellant was engaged in a drinking spree with his friends and that he was allegedly heavily intoxicated on that fateful day. No direct evidence was adduced by the defense relative to the events which transpired after appellant and his companions left the restaurant. Noticeably, the defense did not attempt to present as witness any of the four (4) alleged companions of appellant. Hence, there was no direct testimony to the effect that when the five (5) left the restaurant that night, they all went straight to the house of Zaldy Garcia. Clearly, the defense evidence failed to show that it was physically impossible for accused-appellant to have been at the scene of the crime at the time of its commission.

On the whole, we find the testimony of prosecution eyewitness Jesebel Calapini, who witnessed the crime first-hand and was herself a victim of the robbery with homicide staged by accused-appellant, to be credible. Accused-appellant failed to advance a defense which would sufficiently overthrow her clear, convincing and credible testimony. We thus sustain the trial court's finding that appellant is guilty beyond reasonable doubt of the special complex crime of robbery with homicide.

IN VIEW WHEREOF, the appealed decision is **AFFIRMED** in toto. Costs against appellant.

SO ORDERED.

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

[1] Presided by Judge Juan A. Bigornia, Jr.; Rollo, pp. 15-21.

[2] *id.*, p. 6.

[3] Referred to in other portions of the transcript as Sammy Lucas.

[4] Namely: a Citizen watch valued at P650.00, a gold necklace worth P400.00, a ring worth P800.00, Calapini's bag and money.

[5] TSN, August 20, 1991, pp. 4-12.

[6] TSN, August 22, 1991, pp. 3-12.

[7] TSN, August 20, 1991, pp. 13-14.

[8] TSN, October 23, 1991, pp. 4-13.

[9] *id.*, pp. 17-18.

[10] TSN, October 22, 1991, pp. 6-13.

[11] Rollo, pp. 15-21.

[12] *People v. Villagrancia*, G.R. No. 94311, September 14, 1993, 226 SCRA 374.

[13] TSN, August 20, 1991, pp. 21-24.

[14] TSN, October 22, 1991, pp. 15-20.

[15] *People v. Gundran*, G.R. No. 105666, December 17, 1993, 228 SCRA 583; *People v. Mortos*, G.R. No. 103632, September 1, 1993, 226 SCRA 29; *People v. Waggay*, G.R. No. 98154, February 9, 1993, 218 SCRA 742; *People v. Guibao*, G.R. No. 93517, January 15, 1993, 217 SCRA 64.

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