

PEOPLE OF THE PHILIPPINES, PLAINTIFF-APPELLEE, VS. DOMINGO TRILLES, SILVESTRE TRILLES, IGMIDIO BIBLIAÑAS AND EPITACIO RIOFRIR, JR., ACCUSED-APPELLANTS.

G.R. No. 114388. March 12, 1996

Ponente: PUNO, J.

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PUNO, J.:

In an Information,[1] dated May 14, 1991, appellants DOMINGO TRILLES, SILVESTRE TRILLES, IGMIDIO[2] BIBLIAÑAS and EPITACIO RIOFRIR, JR. were charged with the crime of Robbery with Homicide committed as follows:

"That on the 5th of January, 1991, at 3:30 o'clock in the afternoon, more or less, in Barangay San Jose, Municipality of Oas, Province of Albay, Philippines, and within the jurisdiction of this Honorable Court, the above-named accused, conspiring, confederating and mutually helping each other, with intent to gain and force upon things, and with violence, entered the house of VICENTE RELLAMA, and once inside, with the use of a blunt steel instrument, did then and there willfully, unlawfully and feloniously force open the wooden box, and then and there take, steal and carry away the following personal properties, to wit:

- 1) The cash amount of Sixty-Five Thousand Pesos (P65,000.00), Philippine Currency;
- 2) One (1) transistor radio worth P240.00;
- 3) One (1) flashlight with three (3) pcs. of dry cell batteries worth P65.00;
- 4) One (1) worth P1,200.00; Brand SEIKO wristwatch; and
- 5) One-half sack of rice worth P250.00,

all belonging to said VICENTE RELLAMA, and on the occasion of said robbery, with intent to kill and armed with bladed weapons (locally known as bolos), did then and there wilfully, unlawfully and feloniously attack, assault and hack said VICENTE RELLAMA, inflicting upon the latter multiple hacked wounds on the different parts of the body, which resulted to his death, to the damage and prejudice of the legal heirs of said VICENTE RELLAMA with the total amount of SIXTY-SEVEN THOUSAND ONE HUNDRED FIFTY-FIVE PESOS (P67,155.00), Philippine currency.

ACTS CONTRARY TO LAW."

Appellants pleaded not guilty. Trial ensued.

The prosecution established that on January 5, 1991, at about noon, MAXIMINA RELLAMA BALDE, the barangay captain of barangay Camagong, Oas, Albay, and daughter of victim VICENTE RELLAMA, sent her brother-in-law, LEOPOLDO BALDE, to her father's house for an errand. She asked Leopoldo to bring some grocery items to her father in barangay San Jose, to get the carabao from her father and also to ask for some money for her mother's medical treatment. Leopoldo acceded to Maximina's request and left for Vicente's house

at about 1:00 p.m.[3]

At about 3:00 p.m. in barangay San Jose, FELIX REPIA was assisting VICENTE RELLAMA in clearing out the latter's farm, gathering fallen and dried leaves for burning. The farm was about twenty (20) meters away at the back of Vicente's house. While they were working, they heard appellant DOMINGO TRILLES' voice in front of the house, calling out Vicente's name. Vicente went to his house to meet Domingo and told Felix to stay in the farm and continue working.[4]

After working for about thirty (30) minutes, Felix left the ricefield to take his snack at the camalig (rice granary) near Vicente's house. On his way, he saw LEOPOLDO BALDE who was also going towards the direction of Vicente's house. Leopoldo approached him and asked what he was doing there. He replied that he was working on Vicente's farm. Leopoldo informed Felix that he was there to run an errand for Vicente's daughter Maximina.[5]

Leopoldo accompanied Felix to the camalig while the latter took his snack. Leopoldo hanged the grocery items on the wall and talked with Felix. Leopoldo did not immediately proceed to Vicente's house for he learned from Felix that Vicente was entertaining some visitors at that time. After Felix finished his snack, Leopoldo and Felix returned to the farm where Felix resumed working.[6]

Minutes later, they heard a commotion inside Vicente's house. They rushed to Vicente's house to check what was happening. They approached the house and peeped through the walls. Inside the house, they saw appellants Domingo Trilles, Silvestre Trilles, Igmidio Bibliañas and Epitacio Riofrir, Jr. Appellant DOMINGO TRILLES was demanding money from and threatening Vicente. Vicente declared he had no money, but Domingo persisted. He ordered his brother, appellant SILVESTRE TRILLES, to forcibly open a wooden trunk inside the house and search for money.[7]

Inside the trunk, appellants found a flashlight, a radio and a brown bag. When Vicente saw the brown bag, he tugged at it and tried to grab it from Domingo. Domingo then hacked Vicente with a bolo, hitting him on the left hand and left side of the neck. Domingo opened the bag and found some money inside. Then, appellants DOMINGO and SILVESTRE TRILLES, EPITACIO RIOFRIR, JR. and IGMIDIO BIBLIAÑAS ganged up on Vicente and simultaneously delivered hacking blows on their hapless victim. Their evil designs done, appellants hurriedly left Vicente's house.[8]

Felix and Leopoldo momentarily retreated from the back of Vicente's house and hid near a cluster of woods after the hacking incident. They returned to the house to check on Vicente's condition. They found him dead, lying in a pool of blood. Felix reported the hacking incident to Isidro Opeña, a barangay tanod of Tobgon, Oas, Albay. Leopoldo, in turn, returned to barangay Camagong and informed Maximina Balde about the death of her father.[9]

That night, barangay tanod Opeña went to the house of Ruben Rellama, a son of the victim, and informed him about the death of his father. The next day, January 6, 1991, Ruben asked Felix to report the incident to the barangay captain of San Jose, Arturo Raquid, and ask his permission to remove the cadaver of the victim from the house. Felix did as he was told.[10]

As per the necropsy examination[11] conducted by Dr. Manuel Rebueno, Municipal Health Officer of Oas, Albay, Vicente Rellama sustained a total of ten (10) hack wounds. Death resulted from internal and external hemorrhage caused by the multiple hack wounds.

For appellant's part, each invoked alibi and denied Participation in the killing of Vicente Rellama.

Appellant DOMINGO TRILLES, a CAFGU member, testified that he was a grandson-in-law of the victim Vicente Rellama. He alleged that in the morning of January 5, 1991, he was with the CAFGU team patrolling the area of barangay San Pascual, Oas, Albay. Before lunchtime, they returned to their camp in barangay San Jose. At about 12:00 noon, a red alert was raised and they were ordered by Detachment Commander Arturo Canon not to leave the camp for three (3) days.[12] Thus, when the hacking incident happened at 3:00 p.m. that day, he was inside the camp. His alibi was corroborated by CAFGU member Jimmy Balona who claimed that he did not see Domingo leave the camp during the red alert.[13]

Appellant IGMIDIO BIBLIAÑAS testified that on January 5, 1991, at about 8:00 a.m., he attended the wedding celebration of Arnulfo Reptin's daughter. He went to the house of Arnulfo at Sitio Quinimbalan, barangay Tobgon, also in the municipality of Oas, Albay, and stayed there until 5:00 p.m. Sitio Quinimbalan is about a kilometer away from Vicente's house. It would take an hour's walk to reach Vicente's house.[14] His testimony was corroborated by another wedding guest Tito Masotes. Tasked to help out in gathering the silverware used at the wedding, Masotes claimed he saw Bibliañas at said wedding celebration from 8:00 in the morning until 5:00 in the afternoon.[15]

Appellant SILVESTRE TRILLES presented Electro Millare, a carpenter, to testify on his behalf. Electro claimed that on said day, he did carpentry work in the house of Silvestre. He assisted Silvestre in changing the six (6) posts of Silvestre's house. They worked the entire day from 7:30 a.m. to 4:30 p.m. Silvestre never left the house that day. Electro, however, admitted that the house of Vicente Rellama, the victim, was less than a kilometer away from Silvestre's house.[16]

Finally, appellant EPITACIO RIOFRIR, JR. presented Jacinto Veralde as his witness. Jacinto testified that on said date and time, he hired appellant Riofrir, Jr. to assist him in plowing his farm located in barangay San Jose. They worked in the farm the whole day, from 8:00 a.m. to 5:00 p.m. Jacinto declared that his farm was half a kilometer away from Vicente's house and it would take about an hour's walk to reach the place.[17]

On October 18, 1993, Judge Jose S. Sañez[18] found appellants guilty of the crime charged. The dispositive portion of the Decision reads:

"WHEREFORE, judgment is hereby rendered finding accused Domingo Trilles, Silvestre Trilles, Igmidio Bibliañas and Epitacio Riofrir, Jr. guilty beyond reasonable doubt of the crime of Robbery with Homicide as defined and penalized under par. 1 of Art. 294 of the Revised Penal Code and accordingly hereby sentences each of the abovementioned accused to suffer the penalty of Reclusion Perpetua and the corresponding accessory penalties provided by law and further to indemnify proportionately the heirs of the late Vicente Rellama in the amount of P80,000.00 and to pay the costs of this suit.

"SO ORDERED."[19]

Hence this appeal. Appellants contend that:

I

THE TRIAL COURT ERRED IN GIVING WEIGHT TO THE INCONSISTENT, INCREDIBLE AND CONTRADICTING TESTIMONIES OF THE ALLEGED TWO (2) EYEWITNESSES FOR THE PROSECUTION.

II

THE TRIAL COURT ERRED IN FINDING THE FOUR ACCUSED GUILTY BEYOND REASONABLE DOUBT OF THE CRIME CHARGED DESPITE THE SHAKY AND WEAK EVIDENCE FOR THE PROSECUTION.

Appellants maintain that the trial court erred in giving credence to the inconsistent testimonies of prosecution

witnesses Felix Repia, Leopoldo Balde and Maximina Balde.

Appellants allege that eyewitness Felix Repia gave inconsistent statements as to whether or not he reported the incident to barangay tanod Isidro Opeña. Since Repia claimed that he went home at about 4:00 o'clock that afternoon after the incident, he could not have reported the incident to barangay tanod Opeña.

We reject this contention. Appellants overlook the fact that Felix Repia is a resident of barangay Tobgon and that Opeña was a barangay tanod of Tobgon and a neighbor of Felix.[20] Hence, when Felix testified that he went home at 4:00 o'clock that afternoon, it is not improbable that he proceeded to barangay Tobgon where he resides and reported the incident to his neighbor, barangay tanod Opeña, before finally returning to his own house.

Appellants further point to the inconsistent testimonies of eyewitnesses Leopoldo Balde and Felix Repia as to whom they reported the hacking incident. Leopoldo testified that they reported the incident to Kapitana Maximina Rellama Balde, a daughter of the victim. Felix said they reported the incident to barangay tanod Opeña.

The records reveal no such inconsistency. It was clearly established that after witnessing the hacking incident, Leopoldo and Felix went their separate ways. Leopoldo returned to barangay Camagong and informed his sister-in-law, Kapitana Maximina Rellama Balde, about the unfortunate fate that befell her father, Vicente Rellama.[21] Felix, on the other hand, being a resident of barangay Tobgon, reported the crime to their barangay tanod Isidro Opeña.[22]

Appellants also point that Felix Repia asserted in his Affidavit that appellant Domingo Trilles demanded a specific sum of money (i.e., P65,000.00) from the victim and threatened to kill the latter should he fail to hand the money. During his testimony, however, Repia declared that he did not hear appellant demand for a specific amount of money. Appellants also assail the credibility of Maximina Rellama Balde. They stress that in her testimony, she confirmed that she sent Leopoldo Balde for an errand but she did not mention that it was for the purpose of getting the carabao from his father's house.

The inconsistencies pointed out by appellants are trivial and inconsequential to merit serious consideration. The uncertainty as to the amount of money demanded from the victim and the omission to include in the testimony one of the specific purposes for a witness' presence in the scene of the crime cannot destroy the credibility of said witnesses in the face of the positive and categorical identification of appellants as the perpetrators of the crime. Appellants' direct participation in the heist and in the killing of the victim were categorically established by no less than two (2) prosecution eyewitnesses. Their positive identification is unerring. Appellants were known to eyewitnesses Leopoldo and Felix for they reside in the same or adjoining barangays. Appellants Silvestre Trilles and Riofrir, Jr. are even related by affinity to eyewitness Felix Repia.[23] Moreover, nowhere in the records does it show that said eyewitnesses were impelled by improper motives to impute such false and serious charges.

Finally, appellants fault the two (2) eyewitnesses when they omitted to divulge to the barangay officials the identities of the perpetrators of the crime when they initially reported the incident. It is not a common experience for a person to witness the perpetration of an atrocious crime. The shocking experience usually distorts his normal pattern of reaction. It is true that, initially, eyewitnesses Felix and Leopoldo merely reported the death of the victim without its details. The omission, however, does not detract from the fact that after recovering from their initial shock, they recounted in minute detail what they saw to the police authorities and identified the four (4) appellants as the malefactors. As pointed out earlier, these eyewitnesses harbored no grudge against appellants as to falsely implicate them in the crime at bar.

In this regard, we also note that nowhere in the records was it shown that said eyewitnesses were asked pointblank about the identity of the malefactors and that they failed to name the suspects. The records would bear that when

Felix reported the incident to barangay captain Raquid, he immediately left the place and the barangay captain was not able to ask him questions.[24] Nevertheless, it is clear from the records that Felix informed barangay tanod Opeña about the identity of the culprits who robbed and killed Vicente Rellama.[25]

All told, appellants' alibi cannot hold in the face of their positive identification as the perpetrators of the crime at bar. While appellants claim to be in some place else on the day and time of the commission of the crime, they failed to show that it was physically impossible for any of them to have been at the scene of the crime at the time of its commission. Admittedly, appellant Domingo Trilles, who claimed to be at the San Jose Detachment Camp, was only a kilometer away from the scene of the crime, which distance could easily be negotiated by walking.[26] Neither was it impossible for appellant Bibliañas, who claimed to be in sitio Quinimbalan attending a wedding, to have left the wedding celebration at any given time and trekked to the victim's house, which was also a mere kilometer away.[27] Likewise, appellants Silvestre Trilles and Eпитacio Riofrir, Jr., who both claimed to be in their respective houses on that fateful day, were merely half a kilometer away from the victim's house.[28] With their proximity to the crime scene, appellants' alibi that they were some place else at the time of the commission of the crime has to be rejected. They failed to demonstrate that they were so far away that it would have been physically impossible for them to have been present at the scene of the crime at the time of its commission.

Finally, we note that no evidence was adduced by the prosecution to prove the approximate value of the specific items taken from the victim. For this reason, an order for reparation cannot be properly made. Moreover, consistent with the policy of the court, the civil indemnity in the amount of eighty thousand (P80,000.00) pesos awarded by the trial court to the heirs of the victim should be reduced to fifty thousand (P50,000.00) pesos.

IN VIEW WHEREOF, the appealed Decision convicting appellants of the complex crime of Robbery with Homicide and sentencing each to suffer the penalty of reclusion perpetua is hereby **AFFIRMED**, subject to the modification that the civil indemnity awarded to the heirs of the victim is reduced to fifty thousand (P50,000.00) pesos. No costs.

SO ORDERED.

Regalado (Chairman), Romero, and Mendoza, JJ., concur.

[1] Rollo, pp. 8-9

[2] Also referred to in other parts of the records as Igmedio Bibliañas.

[3] TSN, August 12, 1992, pp. 31-32.

[4] Id., pp. 5-6.

[5] Id., 6-7, 14- 18; TSN, September 15, 1992, pp. 6-8.

[6] Id., pp. 8-9, 24-25; id., pp. 10, 16.

[7] Id., pp. 7-8; id., pp. 10-11.

[8] TSN, August 12, 1992, pp. 9-14.

[9] Id., pp. 10, 13; TSN, September 15, 1992, p. 15.

[10] TSN, June 18, 1993, pp. 3-4.

[11] Exhibit "B", Original Records, p. 13.

[12] TSN, April 13, 1993, pp. 4-6.

[13] TSN, March 3, 1993, pp. 4-9.

[14] TSN, May 6, 1993, pp. 2-9.

[15] TSN, March 3, 1993, pp. 10-15.

[16] TSN, March 4, 1993, pp. 11-13.

[17] Id., pp.4-8.

[18] Presiding Judge, Regional Trial Court, Fifth Judicial Region. Branch 13, Ligao, Albay.

[19] Rollo, at pp. 44-45.

[20] See Affidavit of Opeña, Original Records, p. 4.

[21] TSN, September 15, 1992, p. 21.

[22] TSN, August 12, 1992, pp. 5 & 13.

[23] Appellant Silvestre Trilles is an in-law of Felix's cousin, while the wife of appellant Riofrir, Jr. is a niece of Felix's wife; TSN, August 12, 1992, pp.11, 14.

[24] TSN, June 18, 1993, pp. 3-4.

[25] See Affidavit of Opeña, supra.

[26] TSN, March 3, 1993, p. 8.

[27] TSN, May 6, 1993, pp. 8-9.

[28] TSN, March 4, 1993, pp. 8 & 13.

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