

PEOPLE OF THE PHILIPPINES, PLAINTIFF-APPELLEE, VS. REYNALDO QUILLOSA Y FORMANES, ACCUSED-APPELLANT.

G.R. No. 115687. February 17, 2000

Ponente: QUISUMBING, J.

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QUISUMBING, J.:

On appeal is the decision dated January 3, 1994, of the Regional Trial Court of Valenzuela, Metro Manila, Branch 171,[1] convicting appellant of the crime of murder, imposing upon him the penalty of reclusion perpetua, and ordering him to indemnify the heirs of the victim the amount of P50,000.00.

The facts, supported by the records, are as follows:

On January 1, 1991, at about 5 o'clock in the morning, at Santolan Road, General T. de Leon, Valenzuela, Metro Manila, prosecution witness Roberto Vasquez was on his way to church when he saw the victim Ambrosio Ilocto, also known as "Mang Bosiong", walking some four or five meters ahead of him. Suddenly, three men blocked Mang Bosiong's way. While appellant held Mang Bosiong's right hand, the second man held his left hand, and the third man stabbed Mang Bosiong, with a knife, three times. When Mang Bosiong fell, appellant remarked, "Leo that is enough, he would die." Then the three (3) men fled. Prosecution witness Vasquez testified that he knew appellant by name since they used to be neighbors, and that he recognized the second assailant by face, but he did not know the third man. Mang Bosiong was rushed to the hospital for medical treatment where he was pronounced dead on arrival.[2]

Only appellant was apprehended. After due preliminary investigation,[3] appellant, together with John Doe and Peter Doe, were charged with the crime of murder under the following Information:[4]

"That on or about the 1st day of July 1992 in Valenzuela, Metro Manila and within the jurisdiction of this Honorable Court the above-named accused, conspiring together and mutually helping one another, without any justifiable cause, with treachery, evident premeditation and abuse of superior strength and with deliberate intent to kill, did then and there willfully, unlawfully and feloniously attack, assault and stab with a pointed weapon on the different parts of the body one AMBROCIO ILOCTO y SANTOS, thereby inflicting upon said victim serious physical injuries which directly caused his death.

Contrary to law.

Valenzuela, Metro Manila. July 9, 1992."

The Information was later amended to change the date of the commission of the crime to January 1, 1991.[5] During trial, the Information was further amended to reflect the true name of appellant, from "Rey" to "Reynaldo" Quilloso.[6]

Upon arraignment, appellant entered a plea of not guilty.[7] Accused John Doe and Peter Doe remain at-large.

The prosecution presented four witnesses, namely (1) Roger Vasquez, the sole eyewitness to the stabbing

incident; (2) Paulino F. Ilocto, son of the victim; (3) SPO1 Virgilio M. Villano, a police investigator assigned at the Valenzuela Police Station, and (4) Dr. Bienvenido Muñoz, medico-legal officer of the National Bureau of Investigation. The testimonies of Ilocto and SPO1 Villano were dispensed with, on stipulation of the parties that they would testify on the following matters:[8]

"PAULINO ILOCTO:

- That he is the son of victim Ambrocio Ilocto;
- That on January 1, 1991 at around 5:00 in the morning, he was informed that his father was stabbed;
- That he proceeded to the Fatima Hospital and found the lifeless body of his father with stab wounds in different parts of the body;
- That he executed a statement.

SPO2 VIRGILIO VILLANO:

- That he is a police investigator assigned at the Station Investigation Division at the Valenzuela Police Station;
- That on January 1, 1991 at 6:00 in the morning, an employee of Our Lady of Fatima Hospital informed him that a stabbing victim was brought to said hospital;
- That he was instructed to go to the Our Lady of Fatima Hospital and found the lifeless body of the victim;
- That from the hospital, he proceeded to the crime scene and conducted an investigation and a witness identified the assailant as the accused and other John Doe."

Likewise, the direct examination of Dr. Muñoz was dispensed with after the defense admitted the existence and the due execution of the Autopsy Report No. N-911-14, the Post Mortem findings, cause of death, and the signatures therein.[9] On cross-examination, Dr. Muñoz testified that the victim sustained three (3) stab wounds but the immediate cause of death was the piercing of the right lung by a broken rib.[10]

For the defense, appellant and his childhood friend, Buenaventura Jose, Jr., testified. Appellant denies participation in the stabbing incident and contends that at the time of the stabbing, he was in Baliuag, Bulacan, with Jose, celebrating the New Year's Day by going from one drinking session to another. For his part, Jose testified that he was with appellant from December 31, 1990, until around 7:00 in the evening of January 1, 1991. Appellant claims he does not know prosecution witness Roberto Vasquez, the victim, Ambrosio Ilocto, or the latter's son. In fact, he knew nothing about the case prior to his apprehension on April 4, 1993.[11]

On January 3, 1994, the trial court rendered a decision[12] finding appellant guilty of murder, the killing having been qualified by treachery. The trial court also found conspiracy. The dispositive portion of the decision states:

"ACCORDINGLY, finding accused Reynaldo Quillosa Guilty beyond reasonable doubt of the offense charged, he is hereby sentenced to suffer the penalty of RECLUSION PERPETUA.

The accused is hereby ordered to indemnify the heirs of the deceased Ambrocio Ilocto the amount of P50,000.00.

SO ORDERED."

Hence, the present appeal. Appellant contends that the lower court gravely erred:[13]

- IN GIVING STRONG CREDIT AND PROBATIVE VALUE TO THE TESTIMONY OF ROGER VASQUEZ, THE ALLEGED LONE WITNESS TO THE CRIME BY OVERLOOKING CERTAIN FACTS OF SUBSTANCE AND VALUE THAT WOULD HAVE WARRANTED ACQUITTAL OF THE

ACCUSED.

- IN NOT GIVING CREDENCE TO THE DEFENSE OF ALIBI.

- IN NOT CONSIDERING THE EXPERT TESTIMONY OF DR. BIENVENIDO MUNOZ THAT THE CAUSE OF DEATH IS NOT DUE TO THE STAB WOUNDS INFLICTED.

- IN APPRECIATING THE ELEMENT OF TREACHERY AND OTHERS AS AGAINST THE HEREIN ACCUSED-APPELLANT.

In his brief, appellant assails the credibility of sole eyewitness Vasquez, considering the inconsistencies in his testimony with respect to Vasquez's actual address in Valenzuela, the actual date when he subscribed to his sworn statement, and the number of assailants. Appellant insists that his alibi should have been given credence since Vasquez was unable to positively identify the number of assailants. Appellant also makes much of the fact that the prosecution witnesses could not ascribe any motive for appellant to take part in the killing. Further, the medico-legal officer testified that the cause of death was not the stab wounds but the piercing of the right lung by a broken rib. Anent the qualifying circumstance of treachery, appellant contends that mere holding of the hand of the victim does not per se indicate conspiracy.

For the State, the Office of the Solicitor General emphasizes that appellant was positively identified as one of the assailants. The alleged inconsistencies in Vasquez's testimony refer to minor details, which do not affect his credibility. The OSG debunks the defense of alibi considering that appellant himself admitted that he used to go to Valenzuela from Bulacan from time to time. Although the immediate cause of death of the victim was a broken rib penetrating the victim's lungs, Dr. Muñoz testified that the three stab wounds contributed to his death. Surely, the OSG argues, it is undeniable that the victim died as a result of the attack upon him by appellant and his companions.

In sum, the issues raised by appellant pertain to the assessment of credibility of the sole eyewitness and the attendance of the qualifying circumstance of treachery.

We have long held that "the testimony of a single eyewitness is sufficient to support a conviction so long as it is clear, straightforward and worthy of credence by the trial court.[14] Prosecution witness Vasquez testified that he knew both appellant and his companion since they frequented the place of the stabbing incident as "standby" ("istambay").[15] Identification is facilitated by the fact that the person has gained familiarity with another.[16] In this case, the minor consistencies pointed out by appellant do not refer to the crux of the matter, which is his participation in the commission of the crime. Minor and inconsequential flaws in the testimony of the witness strengthen rather than impair his credibility.[17] Further, contradictions between the contents of an affiant's affidavit and his testimony on the witness stand do not always militate against the witness' credibility because it has long been within judicial notice that affidavits, which are usually taken ex parte, are often incomplete and inaccurate.[18]

Appellant claims that the prosecution could not attribute any motive for the killing. We have laid down the rule that where a reliable eyewitness has fully and satisfactorily identified the accused as the perpetrator of the felony, motive becomes immaterial in the successful prosecution of a criminal case.[19] Thus, whether or not appellant had a reason to take part in the killing, his conviction may still follow from the untraversed identification made by prosecution witness Vasquez. It is settled that motive is not essential for conviction for a crime when there is no doubt as to the identity of the culprit, and that lack of motive for committing the crime does not preclude conviction for such crime when the crime and participation of the accused are definitely proved.[20]

What is more important to our mind is the fact that appellant could not attribute any motive for prosecution

witness Vasquez to testify falsely against him. Vasquez explained that he volunteered to testify two days after the incident when he has already calmed down and was no longer afraid.[21] Where there is no evidence that the principal witness for the prosecution was actuated by improper motive, the presumption is that he was not so actuated and his testimony is entitled to full faith and credit.[22]

Appellant further raises the argument that the cause of death was not the three stab wounds inflicted on the victim, but rather, as testified by Dr. Muñoz, the piercing of the right lung by a broken rib. This fact, appellant insists, shows that there was no intent to kill. The argument is untenable. In this case, the testimony of the lone eyewitness that appellant's companion stabbed the victim three times is corroborated by the autopsy report. Vasquez further testified that the victim was stabbed at around 5:00 in the morning, while the autopsy report, the due execution and authenticity of which was duly admitted by the defense, placed the time of death at about 5:00 A.M.. The unbroken chain of events from the appellant's participation in the stabbing of the victim to the latter's death induces no other conclusion than that the accused's acts led to the victim's death.[23]

Appellant's defense of alibi holds no water, for he himself admitted "that he had occasions to go to Valenzuela, Metro Manila from November 20, 1990 up to April 1993 whenever he has nothing to do in Baliuag." [24] It is not enough to prove that appellant was somewhere else when the offense was committed. It must likewise be shown by the defense that he was so far away so that it was not possible for him to have been physically present at the place of the crime or its immediate vicinity at the time of its commission.[25] For the defense of alibi to prosper, the requirements of time and place must be strictly met.[26] These appellant failed to do. We have held that where there is even the slightest chance for the accused to be present at the crime scene, the alibi will not hold.[27] Further, alibi becomes less plausible when it is corroborated by close friends who may not be impartial witnesses.[28] Thus, in the light of the positive identification of appellant as one of the perpetrators of the crime, his defense of alibi and denial cannot be sustained.[29]

As to appellant's participation in the killing, the Court in previous cases have held that holding the hand of the victim to render him immobile while he is being stabbed amounts to an act of indispensable cooperation without which the crime would not have been accomplished.[30] Appellant's act of holding the right arm of the victim, while another held the left arm, thus enabling their third companion to stab the victim, shows that they acted together with one purpose and design to kill the victim.[31]

As to the crime committed, we find that treachery attended the commission of the offense, hence the crime is murder. For treachery to be present, two conditions must be shown: (1) the employment of means of execution that give the person attacked no opportunity to defend or retaliate; and (2) the deliberate or conscious adoption of the means of execution.[32] In this case, appellant and another person held the hands of the victim to enable their companion to stab him while he was in a defenseless position. While abuse of superior strength was alleged in the Information, it is already absorbed in treachery and need not be appreciated separately.[33] Evident premeditation was not proven by the prosecution.

At the time of the commission of the crime, the prescribed penalty for murder was reclusion temporal in its maximum period to death. In view of the suspension of the death penalty by the 1987 Constitution, and there being no aggravating or mitigating circumstances, the trial court correctly imposed the penalty of reclusion perpetua.

The award of P50,000.00 as death indemnity is likewise affirmed. No proof was adduced as to actual and moral damages sustained by the heirs of the victim. Hence, for lack of legal basis, none can be awarded.[34]

WHEREFORE, the decision of the trial court finding appellant Reynaldo Quillosa y Formanes guilty beyond reasonable doubt of the crime of murder and sentencing him to reclusion perpetua and to indemnify the heirs in

the amount of P50,000.00, is hereby AFFIRMED. Costs against appellant.

SO ORDERED.

Bellosillo, (Chairman), Mendoza, and De Leon, Jr., JJ., concur.
Buena, J., on official leave.

[1] Judge Adriano R. Osorio, presiding.

[2] TSN, August 2, 1993, pp. 2-4; TSN, August 6, 1993, pp. 2-6; TSN, September 3, 1993, p. 2.

[3] Records, pp. 2-3.

[4] Id. at 1.

[5] Id. at 21-27, 37.

[6] TSN, December 17, 1993, p. 2.

[7] Order dated April 28, 1993, Records, p. 16.

[8] Order dated August 30, 1993, Records, p. 54; Order dated September 3, 1993, Records, p. 56.

[9] Order dated October 11, 1993, Records, p. 71.

[10] TSN, October 11, 1993, pp. 4-5.

[11] TSN, November 12, 1993, pp. 4-8; TSN, November 29, 1993, pp. 3-5; TSN, December 17, 1993, pp. 2-5.

[12] Records, pp. 109-116.

[13] Appellant's Brief, Rollo, p. 46.

[14] People v. Lotoc, G.R. No. 132166, May 19, 1999, p. 11; People v. Platilla, G.R. No. 126123, March 9, 1999, p. 14.

[15] TSN, August 2, 1993, p. 3; TSN, August 6, 1993, p. 2.

[16] People v. Fajardo, G.R. No. 105954-55, September 28, 1999, p. 8; People v. Mante, G.R. No. 129694, August 18, 1999, p. 10; People v. Reyes, G.R. No. 120642, July 2, 1999, p. 11; People v. Matubis, 288 SCRA 210, 221 (1998); People v. Castillo, 261 SCRA 493, 501 (1996).

[17] People v. Sabalones, 294 SCRA 751, 794 (1998).

[18] People v. Manlapaz, G.R. No. 129033, June 25, 1999, pp. 9-10; People v. Tanilon, 293 SCRA 220, 229 (1998).

[19] People v. Castillo, 273 SCRA 22, 32 (1997); People v. Lovedioro, 250 SCRA 389, 402 (1995).

[20] People v. Tan, G.R. No. 132324, September 28, 1999, p. 18; People v. Laceste, 293 SCRA 397, 408 (1998).

[21] TSN, August 6, 1993, p. 2.

[22] People v. Alfeche, 294 SCRA 352, 376 (1998); People v. Mostrales, 294 SCRA 701, 712 (1998).

[23] People v. Sumalpong, 284 SCRA 464, 485 (1998); People v. Landicho, 258 SCRA 1, 31 (1996); See also United State v. Brobst, 14 Phil. 310 (1909).

[24] Decision, Rollo, p. 69.

[25] People v. Verde, G.R. No. 119077, February 10, 1999, p. 16.

[26] People v. Bernaldez, 294 SCRA 317, 331 (1998).

[27] People v. Francisco, G.R. No. 110873, September 23, 1999, p. 8.

[28] People v. Añonuevo, 262 SCRA 22, 37 (1996); People v. Camat, 256 SCRA 52, 67 (1996); People v. Danao, 253 SCRA 146, 153-154 (1996).

[29] People v. Daraman, 294 SCRA 27, 45 (1998); People v. Manalili, 294 SCRA 220, 250-251 (1998); People v. Sabalones, 294 SCRA 751, 798 (1998).

[30] People v. Obello, 284 SCRA 79, 93 (1998); citing People v. Montealegre, 161 SCRA 700, 707 (1988).

[31] People v. Azugue, 268 SCRA 711, 725 (1997); People v. Dinglasan, 267 SCRA 26, 45 (1997).

[32] People v. Bahenting, G.R. No. 127659, February 24, 1999, p. 9.

[33] People v. Gutierrez, 302 SCRA 653, 665 (1999).

[34] People v. Maramara, G.R. No. 110994, October 22, 1999, p. 9.

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