

**THE PEOPLE OF THE PHILIPPINES, PLAINTIFF-APPELLEE, VS.
ROMMEL LACATAN, RUBY VILLAMARIN, AND DOMINADOR
SALAZAR, ACCUSED-APPELLANTS.**

G.R. No. 121532. September 07, 1998

Ponente: PURISIMA, J.

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PURISIMA, J.:

Appeal interposed by accused Rommel Lacatan, Ruby Villamarin and Dominador Salazar from the decision of the Regional Trial Court, Branch 42, Pinamalayan, Oriental Mindoro, finding them guilty of Robbery with Homicide in Criminal Case No. R - 4002; and sentencing them, as follows:

"WHEREFORE, premises considered, this Court finds accused ROMMEL LACATAN, RUBY VILLAMARIN and DOMINADOR SALAZAR guilty beyond reasonable doubt of the crime of ROBBERY WITH HOMICIDE defined and penalized under Article 294, paragraph 1 of the Revised Penal Code, with the aggravating circumstances of evident premeditation, abuse of superior strength, nocturnity and cruelty with no mitigating circumstance, and hereby sentences each of them to suffer the penalty of RECLUSION PERPETUA, and to indemnify the Heirs of Alfredo Salazar the amount of P50,000.00; to pay said heirs the amount of P100,000.00 for burial expenses by reason of said death; P100,000.00, money stolen; P50,000.00, jewelries stolen; P20,000.00, goods stolen, and to pay the costs.

SO ORDERED." (Rollo, p. 36)

Filed on March 14, 1992 by Assistant Provincial Prosecutor Normelito J. Ballocanag, the Information indicting the three accused, now appellants, alleges:

"That on or about the 23rd day of November, 1990 at around 8:00 to 8:30 o'clock in the evening, in barangay G. Antonio, municipality of Gloria, province of Oriental Mindoro, Philippines and within the jurisdiction of this Honorable Court, the above-named accused, Rommel Lacatan, Ruby Villamarin and Dominador Salazar conspiring, confederating and acting in common accord, while armed with bladed instrument, did then and there, wilfully, unlawfully and feloniously and by means of violence and intimidation and with intent to gain and against the consent of the owner thereof, took and carried away cash money in the amount of ONE HUNDRED THOUSAND (P100,000.00) Pesos, assorted jewelries valued at FIFTY THOUSAND (P50,000.00) Pesos and assorted food stuff valued at TWENTY THOUSAND (P20,000.00) Pesos, belonging to the victim Alfredo Salazar and his wife, Anicia Lamonte, to their damage and prejudice in the total amount of ONE HUNDRED SEVENTY THOUSAND (P170,000.00) Pesos, Philippine Currency; that on the occasion of the said Robbery and for the purpose of enabling them to take, steal and carry away the articles above-mentioned herein accused in pursuance of their conspiracy, did then and there, wilfully, unlawfully and feloniously and with evident premeditation and taking advantage of their superior number and strength and with intent to kill, treacherously attack, assault, box and stab said Alfredo Salazar on the different parts of his body which caused his instantaneous death.

That in the commission of the dastardly crime, the qualifying circumstances of evident premeditation, treachery and abuse of superior strength and the aggravating circumstances of nocturnity and cruelty were

present.

CONTRARY TO LAW:" (Rollo, p. 12)

With all the accused entering negative pleas upon arraignment on April 29, 1992, their trial ensued, with the prosecution presenting Eduardo Ruallo, eyewitness to the crime, Elmer Salazar and Edna Salazar, children, Anicia Salazar, widow, of the victim, Pat. Delfin Yumang of the PNP in Gloria, Oriental Mindoro, and Dr. Edgardo N. Hernandez, medico-legal officer, to prove the accusation.

For the defense, Rodolfo Umbao and Ruel Suppleo, who were allegedly with prosecution witness Eduardo Ruallo shortly before the incident, and the appellants themselves, took the witness stand.

Testified on by the above-named witnesses, the version of the prosecution runs, thus:

On the evening of November 23, 1990, appellants took and carried away cash, jewelries and foodstuffs with a total value of One Hundred Seventy Thousand (P170,000.00) Pesos, from the house and store of Alfredo Salazar, and on the occasion of the robbery, they killed the said storeowner. The gory happening was witnessed by Eduardo Ruallo, a farmer residing in Papandungin, Gloria, Oriental Mindoro, and a long time customer of the victim, who had been borrowing money from him, since 1986. The said eyewitness testified that on the fateful night of November 23, 1990, he went to Bgy. Tinalunan to borrow from Alfredo Salazar some amount with which to buy fertilizer and chemicals. He reached the Salazar residence at around 8:00 to 8:30 o'clock. Hearing a commotion inside the house of Alfredo Salazar, he (Eduardo) peeped through a window with transparent jalousies, and he saw the herein appellants, Ruby Villamarin holding the right arm and Dominador Salazar holding the left hand, of the victim, even as Rommel Lacatan, who was then in front of the victim, was stabbing the latter several times with a "gulukan". He heard the victim utter: "Bakit ninyo ako ginaganito, kayo naman ay pinautang ko?" At which juncture, Rommel Lacatan slit or cut the victim's mouth, after which the appellants dragged their victim from the sala towards a toilet adjoining the bathroom. Later on, the three entered the door leading to the store of the victim and got some goods therefrom. He (witness) saw cigarettes scattered at the store. After the appellants had gone out of the store, he (witness) went home right away. The next day, upon the advice of his wife, he left for Santo Tomas, La Union (her hometown) because of fear that the appellants could have noticed his presence at the crime scene. On January, 1991, he addressed an anonymous letter to Ka Alpe, the victim's wife, to inquire about the investigation of the death of her husband. On December 15, 1991, he again wrote Ka Alpe to meet him at Ram 3, Ram St. in Sampaloc, Manila. Thereat, they met and he confided to her what he saw, and right there and then, he volunteered to testify in the case; this eyewitness recounted. (TSN, September 22, 1992, pp. 4-21)

Corroborating the testimony of Eduardo Ruallo, Elmer Salazar and Edna Salazar, children of the victim, declared that at past 9:00 o'clock on the evening of November 23, 1990, they called on their father's house but it was dark. As there was no response, they entered through the back door of their parents' abode. Once inside the house, they switched on the lights and saw clean empty bottles scattered all over. Things in the house and store were in disarray, the glass of the aparador was shattered. The container of their parents' money and jewelries was destroyed and the money and jewelries therein contained were missing. When they opened the bathroom, they saw their father, Alfredo Salazar, already dead, crouched on his arms and legs on the floor, face downward, bathed with his own blood. Terribly shocked, they called for help and police assistance. (Rollo, p. 121)

Patrolman Delfin Yumang of the Gloria PNP who responded, declared that at past 9:00 o'clock on the unfortunate night of November 23, 1990, he took pictures of the deceased lying on the bathroom, face down. (Exhibits "C" & "C"-1) He also took pictures of the destroyed aparador with contents scattered on the floor (Exhibit "C"-2), of Pat. Mantaring pointing to the receptacle inside the store (Exhibit "C"-3) and the drawer

(Exhibit “C”-4) and contents of the destroyed aparador (Exhibit “C”-5). This witness likewise disclosed that he noticed bloodstains on the handle of the main door of the house and store, and inside the store, a drop of blood on a bottle but did not anymore take pictures thereof. Witness also recalled that the store referred to was inside the house of the victim so that for one to buy from the store, the buyer must enter the house. (Rollo, p. 121)

Anicia Salazar, (nicknamed Ka Alpe, and wife of the victim) testified that on November 23, 1990, she was in Lemery, Batangas, for the birthday of a grandson by her daughter, Fe Manalo. When she arrived in their house in Tinalunan the following day, she lost consciousness upon seeing her dead husband, Alfredo Salazar, in a coffin. For funeral expenses, the bereaved family spent more than P100,000.00, and for the fare of their four children from Italy to the Philippines and back, they spent another P100,000.00. The stolen money in dollars, liras and pesos amounted to around P100,000.00, the jewelries taken by the robbers were worth P50,000.00 while the value of the goods stolen from the store was P20,000.00, and for attorney’s fees they paid P30,000.00, witness told the court. According to her, she received two anonymous letters for her to meet the writer at Ram 3 Ram St., Sampaloc, Manila. When she went to the designated place, the author of said letters turned out to be Eduardo Ruallo, an old customer of their store, who volunteered to testify regarding the slaying of her husband and robbery complained of, the commission of which he witnessed.

Dr. Edgardo N. Hernandez, Municipal Health Officer of Bongabong, Oriental Mindoro, conducted an autopsy of the cadaver of the late Alfredo Salazar. He reported that the deceased suffered nine (9) stab wounds and five (5) incise wounds. On the witness stand, he opined that two weapons were used in the killing as the size of two (2) wounds was different from the size of the eight (8) other wounds. (TSN, July 15, 1992, pp.15-16)

For their defense, appellants placed reliance on denial and alibi.

Dominador Salazar theorized that on November 23, 1990, he plowed the fields of his brother-in-law, Marcelo Jadraque, from 9:00 o’clock in the morning to 5:00 o’clock in the afternoon. After taking merienda in the house of Marcelo, he drank four (4) bottles of tuba with his drinking partners at his residence, after which he went to sleep at 9:00 p.m. (TSN, July 12, 1994)

Ruby Villamarin and Rommel Lacatan testified that on November 23, 1990, they were constructing his (Ruby’s) house, with the help of five others about five hundred (500) meters from the house of the deceased. They drank tuba from 5:00 o’clock in the afternoon to 10:00 o’clock in the evening, at which time he (Rommel), went home with his wife and children to their house, situated a kilometer from the house of the deceased. (TSN, May 16, 1994 & Feb. 22, 1994)

Also presented for the defense were Rodolfo Umbao and Ruel Suppleo, who maintained that witness Eduardo Ruallo could not have seen the appellants inside the house of the deceased Alfredo Salazar on November 23, 1990 because from 5:00 to 8:00 p.m. on that day, they had a drinking spree with Eduardo Ruallo at the place of Delia Villaverde in Papandungin, Gloria, Oriental Mindoro.

After trial, the lower court adjudged the People’s version more credible and handed down the judgment of conviction appealed from.

To buttress their supplication for their acquittal, appellants theorize that the trial court: (1) in convicting them of the crime of robbery with homicide, reasoning out that the prosecution failed to establish the elements of the crime; (2) in giving full faith and credit to the uncorroborated testimony of Eduardo Ruallo; and (3) in finding them guilty beyond reasonable doubt of the crime charged.

The pivotal issue at bar being factual and evidentiary, the credibility of the witnesses assumes extreme importance.

Well-settled to the point of being elementary is the doctrine that on the issue of credibility of witnesses, appellate courts will not disturb the findings arrived at by the trial court, which was certainly in a better position to rate the credibility of the witnesses after hearing them and observing their deportment and manner of testifying during the trial. This rule stands absent any showing that certain facts and circumstances of weight and value have been overlooked, misinterpreted or misapplied by the trial court which, if considered, would affect the result or outcome of the case.

After a thorough review of the evidence on hand, we discern no ground or basis for disregarding the aforestated findings and conclusion by the lower court. (People vs. De Paz, 224 SCRA 474 [1993])

Appellants berate the trustworthiness of eyewitness Eduardo Ruallo, branding his testimony inconsistent as: (1) he testified that after the victim was stabbed, the latter was dragged to the toilet but the lifeless body of the victim was found inside the bathroom, adjacent to the toilet; (2) no bloodstains were noticed at the sala where the victim was allegedly stabbed; and (3) while Eduardo Ruallo testified that the victim was stabbed several times with a “gulukan”, the medico-legal officer testified that there were two weapons used in the killing.

The exact part of the house to which the deceased was dragged after he was stabbed, is too minor, trivial and inconsequential a matter to adversely affect the credibility of eyewitness Eduardo Ruallo, who categorically declared that the victim was being held by the two felons even as he was being stabbed by Rommel Lacatan.

Anent the observation of the defense that no bloodstains were seen at the sala of the Salazar residence where the victim was supposedly stabbed, tenable is the contention of the Solicitor General that when a person is stabbed, it does not necessarily follow that there are bloodstains on the spot of the stabbing as the blood oozing from the wounds could have been absorbed by the clothing of the victim before dripping on the floor, or the bloodstains could have been wiped clean to erase the traces of the crime.

The opinion of the medico-legal officer that at least two weapons were used does not necessarily run counter to what eyewitness Eduardo Ruallo recounted that he saw Rommel Lacatan stab the victim several times with a “gulukan”. It is understandable that said eyewitness could have failed to observe the minutest details of the entire happening inside the house of the victim. Other injuries could have been inflicted with the use of another weapon before or after the infliction of the wounds seen by witnessed Eduardo Ruallo.

Appellants also berate the credibility of subject eyewitness for his failure to immediately report to the police or to Ka Alpe (the victim’s wife) what he saw. But delay in reporting the crime could not affect the credibility of said eyewitness because as well explained, he left Gloria, Oriental Mindoro the day after the incident because he was afraid that the appellants could have noticed his presence at the place of the killing and might turn their ire on him. Time and again, this Court has ruled that fear of reprisal is a valid excuse for the temporary silence of a prosecution witness. (People vs. Dulay, 217 SCRA 103 [1993])

Pat. Humanog of the local Police Force took pictures not only of the victim lying face down on the floor of the bathroom but also of the destroyed aparador with its contents scattered on the floor, the receptacles found open and drawer of the said aparador. Ka Alpe, widow of the victim and Elmer, her son, categorically declared that a lot of money, jewelries and various goods were taken from their house and store by the herein appellants. On the occasion of the robbery, Alfredo Salazar was mercilessly killed. It is therefore abundantly clear, that the crime of robbery with homicide, as charged and proven, was perpetrated by appellants. That only one eyewitness testified on what happened is of no moment. Even the testimony of a single witness who is credible and positive, is enough to convict. He can prove the guilt of the accused beyond reasonable doubt. (People vs. Dela Paz, Supra.) Speaking through Mr. Justice Reynato S. Puno in People vs. Antolin Hayahay, G.R. 120550, Sept. 26, 1997, this Court succinctly ratiocinated:

“Moreover, the fact that Ramil was the only eyewitness to the crime and his testimony was not corroborated by any other witness cannot detract from his credibility. Our jurisprudence is consistent that credibility does not go with numbers. The testimony of a single witness, if straightforward and categorical is sufficient to convict.”

In this case the testimony of eyewitness Eduardo Ruallo, which appears straightforward, deserves full faith and credit. Although the said witness frequently obtained credit from the store of the deceased, there is nothing on record to show that he was ill-motivated to testify against the appellants. In fact, witness Eduardo Ruallo and appellants are residents of the same community. Verily, in the absence proof of improper motive on the part of eyewitness Eduardo Ruallo to implicate appellants in the commission of the malefaction sued upon, there is no cause or ground for not giving due weight and probative value to the testimony of subject eyewitness. (People vs. Villagracia, 219 SCRA 212, 1993)

The defense of alibi theorized and relied upon by appellants is unavailing under the premises. Well-settled is the rule that alibi, which is easy to concoct, cannot prevail over the positive identification by prosecution witnesses, such as eyewitness Eduardo Ruallo who repeatedly identified appellants as the robbers who ransacked the house and store of the lamented Alfredo Salazar, and killed their victim on the occasion of such robbery. Worse for appellants, they utterly failed to prove convincingly that it was physically impossible for them to have been at the scene of the crime at the approximate time of its commission. (People vs. Espinosa; 243 SCRA 17, 1995.) According to appellants Rommel Lacatan and Ruby Villamarin, they were in the house of the latter when the incident in question transpired. In the case of appellant Dominador Salazar, he testified that he was in his own house with his family, at the time. But the three appellants are all residents of Tinalunan, Gloria, Oriental Mindoro, the same barangay where the deceased resided. In fact, records show that the dwelling place of appellant Rommel Lacatan was only one hundred (100) meters from the house of the deceased, that of appellant Ruby Villamarin was just around five hundred (500) meters away, while the place of Dominador Salazar was approximately one (1) kilometer from the scene of the crime. Evidently, it was not physically impossible for appellants to have been at the scene of the crime when it was perpetrated on November 23, 1990.

For the defense of alibi to prosper, the requirements of time and place must be strictly met. It is not enough to prove that appellants were somewhere else when the crime was happened. They must also demonstrate by clear and convincing evidence that it was physically impossible for them to have been at the scene of the crime at the approximate time of its commission. (People vs. Dela Cruz, 229 SCRA 765, [1994]; People vs. Barte, 230 SCRA 408, [1994]. Here, it bears stressing that appellants miserably failed to establish all the elements of their defense of alibi.

All things studiously viewed in proper perspective, our mind can rest easy on a finding of appellants guilt. Judgment of affirmance is thus indicated.

WHEREFORE, the appealed judgment of conviction is hereby **AFFIRMED** in its entirety. Costs against accused-appellants.

Narvasa, C.J., (Chairman), Romero, and Kapunan, JJ., concur.

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