

PEOPLE OF THE PHILIPPINES, PLAINTIFF-APPELLEE, VS. GODOFREDO MARFIL, ACCUSED-APPELLANT.

G.R. No. 122101. April 30, 1999

Ponente: PARDO, J.

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PARDO, J.:

Submitted before us is the decision[1] of the Regional Trial Court, Branch 17, Kidapawan, Cotabato[2], convicting accused GODOFREDO MARFIL of multiple murder committed against Merlinda (age 15), Marivel (age 9), Jurry[3] (age 6) and Jenaline[4] (age 5), and multiple frustrated murder against Joel (age 14), Marivic (age not found on record) and Jennifer (age 3), all surnamed Melancio. The court sentenced Marfil to suffer four (4) penalties of reclusion perpetua for the four murders and to an indeterminate penalty of four (4) years, two months and one (1) day of prision correccional, as minimum, to eight (8) years and one (1) day of prision mayor, as maximum, and to pay the heirs of the eight victims in the amount of P50,000.00 each.[5]

The Case

On August 19, 1991, 2[nd] Assistant Prosecutor Alfonso B. Dizon, Jr. of Cotabato filed with the RTC Branch 17, Kidapawan, an Information charging accused Godofredo Marfil, Lopito Marfil and Gomer[6] Marfil with multiple murder and multiple frustrated murder as follows:

"INFORMATION

"The undersigned accuses GODOFREDO (GODING) MARFIL, LOPITO (PITO) MARFIL AND OMER MARFIL, of the crime of MULTIPLE MURDER WITH MULTIPLE FRUSTRATED MURDER, committed as follows:

"That at around 7:00 and 8:00 o'clock in the evening of April 29, 1988, at Barangay Binay, municipality of Magpet, Province of Cotabato, Philippines, the above-named accused, conspiring, confederating together and mutually helping one another, armed with carbine and two (2) M-14 rifles, with intent to kill, with treachery, did then and there, willfully, unlawfully and feloniously straff (sic) and fire at the house of CIRILO MELANCIO, which house was then occupied by said CIRILO MELANCIO and members of his family, that as a result, hitting and inflicting fatal gunshot wounds in the different parts of the body of the children of said CIRILO MELANCIO, namely: MERLINDA, MARIVEL, JURRY (DIORY) and JINALINE (DIONILYN) all surnamed Melancio, which resulted to their instantaneous death; That on the same occasion the other children, namely: JOEL, MARIVIC and JENNIFER were also hit in the different parts of the body, which injuries would have caused their death if not of the timely and able medical intervention rendered to said victims, which saved their life (sic).

"CONTRARY TO LAW, with further aggravating circumstance of evident premeditation.

"Kidapawan, Cotabato, Philippines, July 25, 1991."[7]

The Facts

As they were having supper, at their house at Barangay Binay, Magpet, Cotabato around 7:00 to 8:00 p.m. of

April 29, 1988, Godofredo Marfil, together with his sons Lopito (a member of the 27th Infantry Battalion)[8] and Gomer, approached the house and called for Cirilo. Accused-appellant said "Loy, abrihi ang pultahan kay dugay na ko nauhaw" (Loy, open the door because I want to drink. I am thirsty.) The family peeped through the window and saw one of the accused armed with an armalite, the other with a carbine, and another with M-14. The brightness of the moon made it possible for them to see the accused that night.[9]

They did not open the door and turned the lights off because of fear. When Cirilo took another peek through the cracks in the wall, he noticed that the three accused walked back five meters from the house. Cirilo anticipated a strafing, so he ordered his children to get down on the floor as he and his wife dived under the table. Children as they were, most were not able to get down at once when the firing started.[10] Thus, Merlinda's cranium was blown off; Marivel was hit on her side expelling her visceral organs out of her small body; Jurry was hit on the neck and below the armpit causing her limbs to be dismembered; Jenalyn's vertebral column was severely cut; Joel got hit on his right gluteus (buttocks); Marivic on her upper right clavicle, and Jennifer on her feet. The spouses remained unscathed.[11]

The accused then fired at and killed the Melancios' pig. Accused Godofredo said that the pig was for their funeral.[12]

Due to timely medical attention, Joel, Marivic and Jennifer survived. The rest of the children died instantly. With the help of the neighbors, the corpses were placed on a carabao cart and brought to a chapel, while those who were still alive were rushed to the hospital late in the evening.

The Conviction

After due trial, on August 15, 1994, the trial court[13] rendered judgment, the dispositive portion of which reads:

"WHEREFORE the Court finds the accused GODOFREDO (GODING) MARFIL - GUILTY BEYOND REASONABLE DOUBT as co-principals by direct participation of the murders of MERLINDA, MARIVEL, JURRY (DIORY) and JINALYN all surnamed MELANCIO, and three frustrated murders of JOEL, MARIVIC, and JENNIFER. He is hereby sentenced to suffer "Four Reclusion Perpetuas for the 4 murders and to an indeterminate penalty of Four (4) years, two (2) months and one (1) day of prision correccional, as minimum, to Eight (8) years and one (1) day of Prision Mayor, as maximum, and to pay the heirs of the eight victims in the amount of P 50,000.00 each.

"The service of the penalties shall not exceed however forty years pursuant to the provision of Article 70 of the Revised Penal Code.

"Let warrant of arrest issue for the apprehension of accused Lopito (Pito) Marfil and Omer Marfil who are at large.

IT IS SO ORDERED."[14]

Hence, this appeal.

The Assigned Errors

The defense imputes to the trial court the following errors:

- "In giving full weight and credence to the testimonies of the prosecution witnesses and in disregarding the theory of the defense.
- "In finding accused appellant Godofredo Marfil guilty of multiple murder and multiple frustrated murder despite the insufficiency of the prosecution evidence that would warrant a conviction beyond reasonable doubt."[15]

The Defense

Accused-appellant Godofredo Marfil's defense is alibi. No jurisprudence in criminal law is more settled than that alibi is the weakest of all defenses for it is easy to contrive and difficult to disprove^[16], and for which reason it is generally rejected.^[17] In this case, the complainant Cirilo and his children Joel and Marivic positively identified the accused-appellant. Consequently, accused-appellant Godofredo's defense of alibi can not prevail.

He testified that between 7:00 to 8:00 p.m. of April 29, 1988, the barangay chairman (punong barangay) was massaging him in his house because he was sick with flu and fever. He heard gunshots coming from the mountainside, but did not find out what happened until 7:00 a.m. the following day when he saw people bringing corpses to the nearby chapel. He claims to have assisted the victims by giving them rice and making their coffins since he did not have money.

Acting barangay chairman Jorge Bantolo corroborated the testimony of Godofredo.

The alibi offered is incredible. It is not enough to prove that accused-appellant was somewhere else when the offense was committed. He must show 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.^[18] Accused-appellant Godofredo Marfil failed to prove this point. In a matter of minutes by walking or horseback, accused-appellant Godofredo Marfil could easily reach Cirilo Melancio's house, which is only one kilometer away from his house.

We give full weight to the trial court's findings that the accused appellant and his sons were the assailants. We will not disturb the trial court's findings on the credibility of the witnesses unless said findings are arbitrary, or facts and circumstances of weight and influence have been overlooked, misunderstood, or misapplied, which, if considered, would affect the result of the case.^[19] None of said circumstances has been shown to exist in the instant case.

Finally, we are convinced that complainants sought the assistance of the Commission of Human Rights and not the police due to fear of reprisal because of a co-accused is a soldier. The record indicates that complainant Cirilo Melancio informed Chief of Police Hernando Nobleza of the atrocious killing of his family and the latter assured him of assistance. However, police chief Nobleza said that he would first refer the case to the Commanding Officer of the 27th Infantry Battalion,^[20] which is accused Lopito Marfil's infantry unit. As the trial court noted, police chief Nobleza did not take any action on the case. The Commission of Human Rights attended to the Melancios' case.

The abhorrence of the cold-blooded killing is magnified when the victims are defenseless little children caught in what could be either a land dispute or a thrill killing. No reason would be acceptable enough to justify the merciless strafing with high caliber firearms of complainant's house, which accused appellant knew to be the abode of his family with seven children.

WHEREFORE, finding that the lower court committed no reversible error, we hereby AFFIRM in toto the decision of the Regional Trial Court, Branch 17, Kidapawan, Cotabato, in Criminal Case Number 2397.

With costs.

SO ORDERED.

Davide, Jr., C.J, Melo, Kapunan, and Ynares-Santiago, JJ., concur.

[1] Rollo, pp. 10-24.

- [2] Criminal Case No. 2397
- [3] The name "Jurry" is sometimes spelled as "Diory" in the records.
- [4] The name "Jenaline" is sometimes spelled as "Dionilyn, Jinalene or Jinalyn" in the records.
- [5] Decision dated August 15, 1994, Rollo, pp. 10- 24.
- [6] The record spells his name as Gomer, Homer, Omer or Omar.
- [7] Information, Rollo, pp. 4-5.
- [8] Original Records, p. 19.
- [9] tsn, May 22, 1992, p. 10.
- [10] Ibid., pp.17-23.
- [11] Original Records, p. 28.
- [12] TSN, June 17, 1992, p. 20.
- [13] Presided over by Judge Rodolfo M. Serrano.
- [14] Decision dated August 14, 1994, supra at 5.
- [15] Brief of Accused Appellant, Rollo, pp. 34-48.
- [16] People vs. Realin, G. R. No. 126051, January 21, 1999.
- [17] People vs. Sumalpong, 284 SCRA 464.
- [18] People vs. Verde, G.R. No. 119077, February 10, 1999, citing People vs. Añonuevo, 262 SCRA 22,36; People vs. Pija, 245 SCRA 80, 85.
- [19] People vs. Villonez, G. R. No. 122976-77, November 16, 1998, citing People vs. Leoterio, 264 SCRA 608, 617; People vs. Balamban, 264 SCRA 619, 629.
- [20] Original Records, pp. 26-28.

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