

THE PEOPLE OF THE PHILIPPINES, PLAINTIFF AND APPELLEE, VS. OLIMPIO CORPUZ ALIAS ALIPIO AND JULIAN SERQUIÑA, DEFENDANTS AND APPELLANTS.

G.R. No. 12718. February 24, 1960

Ponente: REYES, J.B.L., J.

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REYES, J.B.L., J.:

This is an appeal from a decision of the Court of First Instance of Pangasinan convicting defendants-appellants Olimpio Corpuz and Julian Serquiña of murder and sentencing each of them to the penalty of reclusion perpetua; to jointly and severally indemnify the heirs of the deceased, Juan Tobias, in the sum of P4,000.00 and to pay proportionally the costs.

A review of the records discloses the following facts:

On the night of May 12, 1953, at around 9 o'clock in barrio San Leon, Balungao, Pangasinan, the occupants of the house of Juan Tobias were roused by the Barking of dogs. Peeping from the side of the house, Francisco Bartolome, a nine-year old boy, and Pedro Quibolen, who helped Tobias work his lands, saw and recognized Julian Serguiña, and a little farther off, the other accused, Olimpio Corpuz, revealed by the light of a petroleum lamp hung outside the door, Juan Tobias invited defendants-appellants to come up, but instead, Julian Serquiña told him to come down and asked him to lead them to Esmeralda, "even up to the stream only"; and when his request was refused, Julian Serquiña ordered Tobias to go ahead of him. When Tobias was already on the ground with his back turned to defendants-appellants, both of them struck Tobias several times with Exhibit "B", a shovel, and Exhibit "C", a handle of a plow, felling him. While running away, witnesses for the prosecution Pedro Quibolen and Francisco Bartolome still heard the deceased being struck repeatedly by defendants-appellants.

From the place of the killing, Pedro Quibolen and Francisco Bartolome ran to the house of Francisco Tobias, brother of the deceased, to call for help, but the latter, seized with fear, would not go to the scene of the crime but instead reported the killing first, to the Philippine Constabulary barracks nearby, and, in the early morning of May 13, 1953, to the municipal authorities who, after an investigation conducted at the scene of the crime, arrested both accused and brought them to the Municipal Building at about 11:00 a.m. The deceased Juan Tobias suffered multiple wounds, particularly described in Exhibit "A", the medical certificate prepared by Dr. Triumfo Magpali, Municipal Health Officer.

Defendants-appellants claim that they never left their respective houses on the night of May 12, 1953, and that, as a matter of fact, they went to sleep at about 7 o'clock that evening. This is sought to be corroborated for Olimpio Corpuz by the testimonies of Juan Corpus and Teofilo Ancheta, son and son-in-law, respectively, of Olimpio; and for Julian Serquiña, by the testimony of her sister, Felipa Serquiña, who claims that her brother never left their house on the night in question. This defense of alibi cannot be given much credence. By a long line of decisions, it has been held that, in order to prosper, alibi must be clearly established and must not leave any room for doubting its accuracy, plausibility and verity. Clearly, the alibi offered herein does not meet this test, for the only persons

seeking to confirm the assertion of the accused that they never left their houses that night are very close relatives who would naturally testify in their favor.[1]

Moreover, defendants-appellants were living only a short distance away from the house of the deceased Juan Tobias. As admitted by Olimpio Corpuz, his house was just around one kilometer from the house of Juan Tobias. For his part, Julian Serquiña estimated that he was residing about 1-½ kilometers from barrio San Leon where the killing, took place. Due to their proximity to the place of the deceased, it could not have been impossible for the accused to go to the house of Juan Tobias and return to their houses at a later hour of the evening. As has been previously held, for an alibi to be given credence, it must clearly appear that it was physically impossible for the accused to be at the place of the crime at the time it occurred.[2]

Another factor weighing heavily against the defense of alibi put up by defendants-appellants is the fact that they have been clearly identified by the witness Pedro Quibolen and also by Francisco Bartolome. While the latter testified that the companion of Julian Serquiña that night was merely "very similar to Olimpio Corpuz", the testimony of Pedro Quibolen definitely identifying Olimpio Corpuz makes the evidence sufficient to establish also the latter's identity, considering among other things that the witness was familiar with his features, having known him for years. An alibi cannot prevail over an identification of the accused which is substantially clear and satisfactory.[3]

Indeed, there is no reason why the testimony of the witness Pedro Quibolen and Francisco Bartolome should not be believed, for, as admitted by both accused, there is no motive for these witnesses to testify falsely against them. This lack of a motive to make a false imputation against the accused further strengthens the credibility of the eyewitnesses and is one more factor that discredits the alibi relied on by the accused.[4] The record shows that the two accused were promptly arrested in the morning of May 13, 1953, and it can hardly be believed that between the killing done late in the previous night and the next morning, Pedro Quibolen and Francisco Bartolome, without any motive, could have connived to implicate innocent persons in a charge as serious as the one at bar. The early revelation of the identity of the killers which led to their prompt arrest bespeaks of a spontaneity of reaction not dictated by ulterior considerations.

The defense further alleges that there was no motive on the part of defendants-appellants sufficient to have induced them to commit the crime charged. It does appear of record, however, that the manager of the hacienda wherein the deceased and the accused Serquiña were tenants, proposed that both should exchange lots, but the plan fell through because of the objections of the late Tobias. Anyway, as repeatedly held, proof of motive is not indispensable where guilt is otherwise established by sufficient evidence. In other words, motive need not be established if the identity of the accused is otherwise shown beyond reasonable doubt.[5]

The lower court found that the murder was qualified by evident premeditation. This is not borne out by the evidence in this case, because it is not shown when the plan to kill Juan Tobias was hatched, or what time elapsed before it was carried out. There is no basis for determining whether defendants-appellants had sufficient time between the inception of the plan and its fulfillment, dispassionately to consider and accept its consequences; and this time is essential to premeditation.[6]

However, the record shows that the killing was qualified by treachery, for, aside from the fact that the attack was sudden and unexpected, the deceased Juan Tobias had his back turned when he was first struck on the back of the head at the inception of the aggression, catching him totally unprepared to make a defense of his person. Under such circumstances, defendants-appellants employed means, methods or forms in the execution of the crime which tended directly and specially to insure its execution without risk to themselves.[7]

Although the crime was committed at nighttime, nocturnity is absorbed by treachery.[8]

There is no evidence that the crime was committed in an uninhabited place because for this factor to be appreciated, it must be proven that there were no houses nearby;^[9] but this was not done in this case.

There is no showing that the crime was committed in the dwelling of the deceased, it not appearing that the latter was attacked or killed in any part of the house or its dependencies.

Wherefore, with the modification that the killing is qualified by treachery instead of premeditation, the judgment of the lower court is affirmed, with costs against defendants-appellants.

Paras, C. J., Bengzon, Montemayor, Bautista Angelo, Labrador, Concepcion, Endencia, Barrera and Gutierrez, David, JJ., concur.

Padilla, J., took no part.

[1] People vs. Masilungan, 104 Phil., 621; 56 Off. Gaz. (7) 1406; People vs. Villaroya, 101 Phil., 1061; People vs. de la Cruz, 76 Phil., 1 601; 48 Off. Gaz., 137; People vs. Badilla, 48 Phil., 718.

[2] People vs. Saladino, No. L-11893, Prom. May 23, 1958; People vs. Divinagracia, 105 Phil., 281; People vs. Andam, L-11883, April 30, 1958.

[3] People vs. Aguipo, L-12123-34, July 81, 1958; People vs. Moises Fernando, et al., L-10876, September 23, 1958; People vs. Dara-ug, L-11470, September 30, 1957.

[4] People vs. Garciola, 90 Phil., 285; People vs. Baltazar, L-5850, January 4, 1956.

[5] People vs. Sespene, 102 Phil., 199; People vs. Divinagracia, 105 Phil., 281; People vs. Arcillas, L-11792, June 30, 1959; People vs. Bugagao, L-11328, April 16, 1958.

[6] People vs. Custodio, et al, 97 Phil, 1598; 52 Off. Gaz, (4) 1999 and cases cited therein.

[7] People vs. Felipe, L-4619, February 25, 1952; People vs. Cagoco, 68 Phil, 524; People vs. Ambis, 68 Phil, 635.

[8] People vs. Jimenez, 99 Phil., 285; 54 Off. Gaz., (5) 1361; People vs. Balines, et al., L-9045, September 28, 1956.

[9] People vs. Piring, 85 Off. Gaz., (13) 2272.

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