

**PEOPLE OF THE PHILIPPINES, PLAINTIFF AND APPELLEE, VS.
ALEJANDRO GUZMAN, DEFENDANT AND APPELLANT.***G.R. No. 13340. April 30, 1960*

Ponente: GUTIERREZ DAVID, J.

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This is an appeal from a judgment of the Court of First Instance of Ilocos Sur convicting the appellant of murder and sentencing him to suffer the penalty of reclusion perpetua, the accessories of the law, and to indemnify the heirs of the deceased in the amount of P6,000.00 plus costs.

The evidence for the prosecution shows that at about 7 o'clock early in the morning of August 29, 1953, two primary school boys, Eustaquio Ibuos, 9 years of age, and his companion Antonio Rosete, age 12, were on some branches of a tamarind tree by the hillside of Tapao, Sinit, Ilocos Sur, gathering its fruits. They had accompanied Eustaquio's elder brother, Desiderio Ibuos, who took some animals to pasture. From their positions in the tree, they could see the accused Alejandro Guzman, in stripe shirts and maong pants, cutting "comcompitis" shrubs or breaking twigs at a distance of about 40 meters from the tamarind tree. They could also see the now deceased Patrocinia Ibuos picking vegetables and squash flowers a short distance from the accused. Soon, the accused approached Patrocinia and, apparently becoming bold, placed an arm around her. Patrocinia struggled and pushed him away. The accused then grabbed Patrocinia by the hair pulling her to the ground, and while she struggled to free herself, the accused stabbed her with a short bolo just below the base of the neck, and slashed her throat. Thereafter, the accused dragged her limp and apparently lifeless body down to the edge of a precipice, and then ran in the direction of his house. On their part, the young witnesses reported what they saw to Apo Col-lit, the grandmother of the deceased, as they could not find the deceased's husband.

The slaying having been reported to the authorities, a group of municipal officials proceeded to the scene of the crime. The body of the deceased, which was found lying at the place where the young boys said they saw the accused left it, was taken to the poblacion of Sinit where Municipal Health Officer Dr. Jose Avelino conducted an autopsy. Examining the cadaver, Dr. Avelino noted that the woman was pregnant. He also found that rigor mortis had not yet set in, which led him to conclude that death occurred just a few hours before. He certified to the following findings:

"Por la presente certifico que el 29 de Agosto de 1953 de reconocido el cadaver de un tal que en vivo se llamo Patrocinia Ibuos del barrio Dadalaquitan, Sinit, Ilocos Sur, de 20 años de edad, casada y embarazada de seis meses ye he encontrado las siguientes:

"1.

Una herida punzante de menos de una pulgada de profundidad situada inmediatamente por encima del mango del hueso esterno perforando la faringe, y el esofago.

"2.

Una herida incisa situada en la parte media de la cara anterior del cuello o region cervical, cuya direccion es horizontal, cortando todos los organos anteriores y laterales de dicha region (faringe, esofago las arterias y venas carotidas y parotidas y hasta los musculos esternocleido-mastoideo derecho e izquierdo, extendiende hasta la parte media de la clavícula en su borde superior.

"3.

Una herida punzante cuya direccion es de bajo arriba situada inmediatamente par detras de la cara posterior de la mandibula derecha en su parte media cuya profundidad es de una pulgada de profundidad.

"4.

Ligeras heridas laceradas en la cara palmar de todos los dedosen la mano derecha.

"5.

Una ligera herida incisa en la cara palmar del dedo gordo de la mano izquierda.

"5.

Presencia de flujas de caracter mucoso en la vagina." (Exhibit A).

In his testimony Dr. Avelino declared that death was due to severe shock and profuse hemorrhage.

In the morning of that same day, the accused was apprehended and later, also on that same day, an information for murder was filed against him on the strength of the affidavits signed by the two young witnesses.

The accused, a bachelor and 39 years old at the time of the commission of the offense, set up the defense of alibi. He testified that during the whole night of August 28, 1953 up to around 10 o'clock the next morning, when Constabulary soldiers took him for investigation, he had never gone far from the vicinity of his house, much less to the place of the killing. To corroborate the testimony of the accused, the defense presented on the witness stand Baldomero Guzman, brother of the accused, and Leandro Yoro, their neighbor.

The trial court, however, discredited the defense of alibi, and believing the testimony of the two young witnesses for the prosecution, rendered the judgment of conviction subject of this appeal.

After going over the record, we find the guilt of appellant to have been, established by the evidence beyond reasonable doubt. There is no reason to doubt the veracity of the testimony of the two young witnesses for the prosecution. Both of them appeared upon examination, as observed by the trial court, to understand the nature of their oath, and are of sufficient intelligence and discernment to justify the acceptance of their testimony and to accord to it full faith and credence. Thus, the trial court said: "Both of them testified in a clear and satisfactory manner, and no motive has been shown which would have impelled these young boys to impute the commission of such a grave felony on the accused, aside from the promptings of their conscience and of their desire to state the truth." Indeed, it has been said that an intelligent boy is undoubtedly the best observer to be found. He is little influenced by the suggestion of others, and describes objects and occurrences as he has really seen them. The child's naivete and apparent accuracy make his testimony most impressive. (People vs. Bustos, 45 Phil., 9; People vs. Mangahas, et, al., G.R. No. L-5367-68, May 9, 1949; People vs. Mayo, 45 Off. Gaz., 1366.)

The accused claims that these young boys had testified on what they had heard as mere gossip. The claim, however, is not supported by the record. The killing they witnessed was immediately reported to the authorities and the body of the deceased was found at the place where they said the accused abandoned it. Their testimony that they saw the accused gathering "comcompitis" leaves before he killed the deceased is, likewise, corroborated by the declaration of the accused's own brother that the accused went that morning to gather "comcompitis" leaves

to feed his carabao.

Counsel for the defense also charges that coercion was practiced upon the two boys. We find this hard to believe, considering that they made their written declarations on the same day and the justice of the peace before whom they were sworn to did not even insinuate that they were coerced. It is true that they were rather reluctant to sign their statements in the house of the justice of the peace, but this is explained by the circumstances that they could hardly sign their names, a fact readily admitted by them since they were only in grade II at the time. This is not to mention the fact that they must have been overcome by the solemnity of the entire proceedings. In the face of their clear and positive testimony at the trial and in the absence of any evidence as to an improper motive why they testified as they did, we see no valid reason why their testimony should not be accorded full faith and credit.

On the other hand, the alibi of the accused, which is inherently weak, is neither satisfactory nor credible. His own brother Baldomero Guzman admitted that during the time that he was taking his breakfast he did not see the accused, as the latter had gone to gather "comcomitis" leaves to feed his carabao. Considering that the place where the accused tethered his animals to graze was only one and one half kilometers from the place where the cadaver of the deceased was found, it is not physically impossible for him to have gone to the place where the deceased Patrocinia Ibuos was gathering vegetables and committed the offense in question. The defense of alibi interposed by the accused cannot, therefore, prevail over the positive testimony of the witnesses for the prosecution whose credibility has never been impugned and who have not been shown to have any motive to purposely falsify the truth.

There is nothing to the argument that the accused was erroneously convicted of murder. An attack made by a man with a deadly weapon upon an unarmed and defenseless woman constitutes the circumstance of abuse of that superiority which his sex and the weapon used in the act afforded him, and from which the woman was unable to defend herself. (U. S. vs. Camiloy, 36 Phil., 757; U. S. vs. Consuelo, 13 Phil., 612; People vs. Quesada, 62 Phil., 446.). The circumstance of abuse of superior strength was, therefore, correctly appreciated by the trial court, as qualifying the offense as murder. There being neither aggravating nor mitigating circumstance attending the commission of the crime, the penalty of reclusion perpetua imposed by the trial court is therefore in accordance with law.

Finding no error in the judgment appealed from the same is hereby affirmed, with costs against appellant.

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

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