

PEOPLE OF THE PHILIPPINES, PLAINTIFF-APPELLEE, VS. BENJAMIN PADILLA, ALIAS “CONANG”; DEFENDANT-APPELLANT.*G.R. No. 52119. April 24, 1989*

Ponente: GANCAYCO, J.

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The merciless killing of a couple by three men who thereafter robbed them of their earnings and valuable possessions is the focus of this prosecution for robbery with double homicide.

The spouses Crisostomo Amarillo and Anita Galamgam were residents of San Felipe, San Nicolas, Pangasinan who were engaged in the business of buy and sell of gold. At about 5:30 o'clock in the afternoon of May 6, 1976, they were on their way home. They had in their possession about P40,000.00 and some assorted jewelries and gold valued at about P1,740.00 in cash. Some of the money were bundled in a piece of cloth and tucked at Crisostomo's waist while the other items were kept in a paper bag which was placed inside a red bag.

They were followed by Mateo Padilla, Boy Batin and Benjamin Padilla. Suddenly, Mateo hacked Crisostomo with a bolo. Crisostomo turned around and hit Mateo with a cane but thereafter Crisostomo fell to the ground. Mateo continued hitting him on different parts of the body particularly on the right side of his neck. Upon seeing the bizarre attack on her husband, Anita fled but Batin blocked her way. Batin hit her hands with his bolo. Anita tried to escape but Batin pursued her and hit her twice on the back. She fell to the ground.

While the two were prostrate on the ground, Benjamin Padilla took from Crisostomo's waist the piece of cloth containing the money. It was at this juncture that Mateo noticed the presence of Francisco Doton who was then by the roadside cutting talahib who witnessed the assault. Mateo instructed Doton to pick up one of the bags containing money belonging to the Amarillos and to cover with sand the blood scattered over the place. Doton followed the instructions. He was then ordered to go home with a warning that he should not tell anyone about what he saw under pain of being killed. Doton hurriedly left for home bringing with him the red bag. On his way home he met Wilson Retura with whom he exchanged pleasantries.

Before reaching home Doton found that the red bag contained money. He took the money in the bag and he threw the red bag in the river. He then went to Urdaneta, Pangasinan and deposited the sum of P9,000.00 in his bank account. This was the amount of money he took from the bag.

Due to the multiple wounds suffered by the Amarillos they died. Anita Galamgam, who sustained multiple wounds on various parts of the body, died due "to severe hemorrhage particularly the incised wound at the back, base of the neck with fracture of the spinal column severing the spinal cord and blood vessels." [1] Crisostomo Amarillo also sustained multiple wounds on the neck, the skull and the head and the cause of his death was due to "massive hemorrhage due to incised wound base of the neck, right side with fracture of the spinal column severing the spinal cord and big blood vessel of the neck." [2] According to Dr. Remedios Santilion, the rural health officer who autopsied the bodies of the victims, the wounds inflicted were caused by sharp-edged instruments. [3]

After due investigation by the police, an information charging Mateo Padilla, Benjamin Padilla, Francisco Doton and Boy Batin of the crime of robbery with double homicide was filed by the Assistant Provincial Fiscal, with the approval of the Provincial Fiscal, in the Court of First Instance of Pangasinan. The accused Boy Batin remained at large, while the others were arrested. Upon arraignment, said accused entered their pleas of not guilty. At the start of the trial, accused Francisco Doton was discharged as a government witness upon motion of the prosecution.

After trial on the merits, a decision was rendered by the trial court on September 25, 1979, the dispositive part of which reads as follows:

"WHEREFORE, with these considerations, judgment is hereby rendered finding the accused, Mateo Padilla and Benjamin Padilla, alias 'Conang,' guilty beyond reasonable doubt of ROBBERY WITH DOUBLE HOMICIDE as charged in the Information and are sentenced to each suffer the penalty of reclusion perpetua; to jointly and severally indemnify the heirs of the deceased spouses, Crisostomo Amarillo and Anita Galamgam in the amount of THIRTY TWO THOUSAND SEVEN HUNDRED and FORTY PESOS (P32,740.00), there being a recovery of NINE THOUSAND PESOS (P9,000.00), as actual damages; TWELVE THOUSAND PESOS (P12,000.00) for the death of Crisostomo Amarillo; and another TWELVE THOUSAND PESOS (P12,000.00) for the death of Anita Galamgam. With two-third (2/3) of the costs.

The bolo used by Mateo Padilla, (Exhibits 'D' and 'D-1') is hereby confiscated and forfeited in favor of the government." [4]

Mateo Padilla commenced serving his sentence and did not appeal. Thus, only Benjamin Padilla interposed this appeal. He alleges the following errors on the part of the trial court:

"I

THE COURT A QUO GRAVELY ERRED IN CONVICTING THE DEFENDANT-APPELLANT BENJAMIN PADILLA ON THE STRENGTH OF THE TESTIMONY OF FRANCISCO DOTON, A CO-ACCUSED WHO WAS DISCHARGED AS A STATE WITNESS.

II

THE COURT A QUO GRAVELY ERRED IN DISCREDITING THE TESTIMONY OF THE DEFENDANT-APPELLANT AND HIS WITNESSES IN THE LIGHT OF THE INCREDIBILITY AND GROSS INCONSISTENCIES IN THE TESTIMONIES OF THE PROSECUTION WITNESS, FRANCISCO DOTON. [5]

III

THE COURT A QUO GRAVELY ERRED IN FINDING THE DEFENDANT-APPELLANT GUILTY BEYOND REASONABLE DOUBT OF THE CRIME CHARGED." [6]

In this appeal, the credibility of state witness Francisco Doton is put into issue.

The appellant contends that Doton should not have been discharged as he is not the least guilty. From the evidence on hand, it appears that the participation of Doton is that of a mere accessory. Nevertheless, even if he may be considered a co-principal by his presence during the incident and his cooperation in the concealment of the fruits of the offense appears to be indispensable, considering that he was not among those who inflicted the fatal wounds that led to the death of the victims and that he did not take part in the robbery the Court is convinced that he not the most guilty. This is all that the rule requires of a government witness. [7]

It is then argued that it is unnatural for Doton to be present during the incident and to have calmly witnessed the

killing and robbery. As asserted by Doton, his presence at the time was accidental inasmuch as he was then cutting cogon grass. He must have been hidden behind the talahib bush so much so that the appellants did not notice him earlier. And when he was seen, he was threatened and it was due to fear for his life that he obeyed the instructions that was given him. Even assuming that the role of Doton was not just of a mere innocent bystander but that of a participant in the perpetration of the offense, he had lawfully been discharged as a state witness and his testimony appears to be credible.

Appellant Benjamin Padilla alleges that he was implicated by Doton only after his father, Juan Padilla, informed the police authorities about the loot deposited in his bank account in Pangasinan and that, accordingly, Doton was motivated by revenge. If Doton was motivated by revenge, he should have implicated Juan Padilla who made the revelation not appellant Benjamin. In the sworn statement Doton executed on May 17, 1979 before the police authorities of San Nicolas, he stated that Benjamin Padilla took the piece of cloth around Crisostomo's waist.[8] Thus, he identified appellant Benjamin Padilla even before Juan Padilla informed the police about his bank deposit.

Appellant also points out that the testimony of Doton identifying Benjamin was not corroborated and that he was not mentioned as a participant in the sworn statement of Mateo Padilla. The sole testimony of a witness if credible, is sufficient basis for conviction. Mateo Padilla must have withheld Benjamin's identity from the investigators as Benjamin is his nephew.

Other alleged contradictions in the testimony of this witness are indicated by appellant to show his unreliability but the said contradictions, if at all, are on minor matters. Rather than affect his credibility, they are badges of truthfulness and candor.

This view holds true for his earlier statement that he saw the three accused following the victims on that afternoon and thereafter he said no body else passed. He must be referring to persons other than the accused. Then when first asked by the police about the P9,000.00, he said it was part of his wife's savings. Later, he admitted it was his share in the loot. He explained that he did not immediately reveal the source of the money for fear for his life. Nevertheless, he opened up later on.

Another instance is when Doton was asked if he knew Mateo Padilla and Benjamin Padilla, and he answered that he only knew Mateo. Later he said he knew Benjamin only after the station commander pointed out Benjamin to him. It is noted that in the sworn statement Doton executed after he was picked up, he identified Mateo Padilla but he was not able to give the names of the other two. Be that as it may, he also stated that he could recognize them if he sees them again.[9] Thus, the station commander brought Doton to the residence of appellant in Barangay Flores, San Manuel, Pangasinan. He identified the appellant as one of the culprits upon seeing him.[10]

The defense of the appellant is alibi. In the face of their positive identification by Doton as the culprits, the alibi cannot prevail. Accused Mateo Padilla said he was at his home in San Felipe, San Nicolas, Pangasinan at 3:30 P.M. on the fateful day of May 6, 1979. In the morning, he allegedly went to Binalonan to check on his army claims and dropped at his sister's house at Flores, San Manuel, Pangasinan.

On the other hand, appellant Benjamin Padilla claims that there was a barrio fiesta at Flores, San Manuel, and that he had his son "Banjo" baptized on that occasion. He was allegedly at home the whole afternoon up to 7:00 P.M., entertaining visitors. Assuming their allegations are true, it is still possible that appellant and his companions could have gone to the scene of the crime at nearby Barangay San Felipe to commit the offense and thereafter return to their respective residences.

WHEREFORE, the judgment appealed from is hereby AFFIRMED with the only modification that the indemnity

for the death of the couple should be raised to P30,000.00 each, with costs against appellant.

SO ORDERED.

Narvasa, (Chairman), Cruz, Griño-Aquino, and Medialdea, JJ., concur.

[1] Pages 3-10, TSN, July 30, 1979; Exhibits A, A-1 and A-2, page 12, Record.

[2] Pages 10-13, TSN, July 30, 1979; Exhibits B and B-1, page 13, Record.

[3] Pages 7 and 12, TSN, July 30, 1979.

[4] Page 32, Rollo.

[5] Page 90, Rollo.

[6] Page 112, Rollo.

[7] Section 9, Rule 119, Rules of Court.

[8] Exhibit E, page 5, Record.

[9] Exhibit E.

[10] Page 77, TSN, August 6, 1979.

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