

**THE PEOPLE OF THE PHILIPPINES, PLAINTIFF-APPELLEE, VS.
DOROTEO PASCUAL, JR. ALIAS "BOY", WARLIE ORGANO
AND ROMEO ORGANO, ACCUSED, DOROTEO C. PASCUAL, JR. ALIAS
"BOY", AND RODOLFO...**

G.R. No. 55271. January 30, 1984

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ABAD SANTOS, J:

DOROTEO PASCUAL, Jr., WARLIE ORGANO and ROMEO ORGANO were accused of murder in the defunct Court of First Instance of Pangasinan said to have been committed according to the information as follows:

"That on or about the 11th day of May, 1979, between 10:00 to 11:00 o'clock in the evening, at the barangay of Papallasen, Municipality of Umingan, Province of Pangasinan, and within the jurisdiction of this Honorable Court, the above-named accused, conspiring and helping one another, with intent to kill and with treachery and evident premeditation, armed with a bladed instrument and piece of wood, did then and there, wilfully, unlawfully and feloniously attack, assault, hit and stab one EDUARDO MONES successively, hitting him on different parts of his body, thereby inflicting mortal wounds which caused his death." (Expediente, p. 55.)

Doroteo Pascual and Warlie Organo were tried but not Romeo Organo who was at large. After trial the court rendered a decision with the following dispositive portion:

"WHEREFORE, premises considered, this Court hereby finds the accused Doroteo Pascual, Jr., alias "Boy", and Warlie Organo, whose real name is Rodolfo Organo, guilty beyond reasonable doubt of the crime of Murder, defined and penalized in Article 248 of the Revised Penal Code and sentences both of them to suffer the penalty of reclusion perpetua and to indemnify the heirs of the deceased Eduardo Mones in the sum of Twelve Thousand Pesos (P12, 000. 00). Costs against both accused." (Expediente, p. 239.)

Doroteo and Warlie appealed their conviction. They filed separate briefs both of which claim that the trial court erred in convicting them of murder on the sole testimony of Manuel Supnet and in rejecting their alibi.

The People's version of the facts is as follows:

"On the moonlit night of May 11, 1979, Manuel Supnet, Dominador Mones and other residents of Cabalititan, Umingan, Pangasinan attended the fiesta of the adjoining barangay of Papallasen (pp. 4-6, tsn., Dec. 19, 1979). At the premises of the barangay auditorium, Manuel Supnet saw Eduardo Mones walking along the road in the company of appellants, Doroteo Pascual, Jr., and Rodolfo Organo, and accused Romeo Organo, his friends (pp. 3-5, id.). He overheard Rodolfo Organo and Romeo Organo say that they were going to the house of a certain Lacay Andres to have pulutan, so he followed them, but furtively, in order to partake of the pulutan also (p. 5, id.). As the group stopped he saw Doroteo Pascual, Jr. suddenly club Eduardo Mones with a bamboo pole and Rodolfo Organo and Romeo Organo stab him with bladed weapons. The three assailants then ran away. Stunned and frightened, he went back to the auditorium and told Dominador Mones, that his brother Eduardo, was clubbed and stabbed along the road (pp. 4-10, tsn. Dec. 19, 1979). Dominador Mones with two policemen who were within the vicinity of the auditorium proceeded to the scene of the crime. They found the lifeless body of Eduardo lying across the road (pp. 24-25, tsn., Dec. 6, 1979).

That same evening Cpl. Zareno and three other policemen also went to the scene of the crime. They found two bamboo poles (Exhs. E, F) on the road near the body of the victim (pp. 30-32, tsn., June 3, 1980).

At 2:00 o'clock in the afternoon of the next day which was about fifteen hours after the incident in question, Dr. Rosalina Victorio autopsied the body of Eduardo Mones (p. 4, tsn., Dec. 6, 1979). She rendered a report thereon (Exh. A, pp. 156-157, rec.) which states her findings, viz:

'1. External findings:

1. Stab wound, 1 inch wide, 1-1/2 inch deep at the right upper chest.
2. Stab wound, 1-1/2 inch wide, possibly reaching the heart, 4 inches deep, at the right middle upper chest.
3. Stab wound, 1 inch wide, 3 inches deep possibly reaching the liver at the right hypochondriac region.
4. Stab wound, 1/2 inch wide, 1/2 inch deep at left scapular region of the back.
5. Stab wound, 1 inch long, 4 inches deep at the middle part of the back possibly reaching the left lung.

'Cause of Death:

Acute hemorrhage due to fatal wounds possibly reaching the liver, heart and lung.' (Exhibit A. Autopsy Report).'

She found no hematoma or contusion on the body of the said victim, Eduardo Mones, other than the aforementioned stab wounds (p. 12, tsn., Dec. 6, 1979) but opined that because of the lapse of sometime from the incident traces of hematoma or contusion must have disappeared although some force must have been applied (p. 14, id.)." (Brief, pp. 2-4.)

From the assignments of error made by both appellants it is obvious that the principal issue is the credibility of witnesses or the appreciation of their testimony by the trial court. On this premise the appeals must fail because the conclusions and findings of fact made by the trial court are entitled to great weight and should not be disturbed except for strong and cogent reasons which are absent in this case.

The case for the prosecution is built principally on the testimony Of Manuel Supnet who testified on December 19, 1969, before the very same judge who penned the decision which is the subject of the appeals.

At the time he testified, Manuel Supnet was 26 years old. He lived in the house of Rogelio Valera for whom he worked as a farm helper for the past two years. Eduardo Mones (the deceased) had been his "barkada" for two years. He and Doroteo Pascual, Jr. "are good friends." Similarly, he and Warlie Organo "are good friends." Warlie and Romeo Organo are brothers.

In the evening of May 11, 1979, he was at the dance hall of Papallasen, Umingan, Pangasinan, on the occasion of its fiesta. He was with Rogelio's Valera, Rogelio's wife, Dominador Mones and many others.

He saw Eduardo Mones in the company of Doroteo, Warlie and Romeo and he followed them as they walked towards the west. He followed the group because he heard that they were going to eat pulutan. When the group passed the house of a certain Lacay Andres an incident happened.

"Q When you have passed the house of Lacay Andres what happened?

A They clubbed Eduardo Mones and then stabbed him, sir.

Q Who clubbed Eduardo Mones ?

A Boy Pascual clubbed Eduardo Mones, sir.

Q Who stabbed Eduardo Mones?

A Warlie Organo and Romeo Organo, sir.

Q At that time how far were you to these persons?

A About ten (10) meters, sir.

Q From your place right now, will you please point to a distance in the courtroom where this Eduardo Mones at the time and being clubbed by Boy Pascual and stabbed by the Organo brothers?

A Witness pointing to a distance of 7 to 8 meters.

Q How were you able to see the clubbing and stabbing at that distance considering that it was in the evening?

A It was moonlight, sir.

Q Can you still recall where was the moon at that time?

A About fifty (50) degrees, sir.

Q How bright was the moonlight at that time?

A It was bright, sir.

Q How big is that moon?

A Full moon, sir." (TSN, Vol. II, pp. 40-41.)

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"Q When the three immediately after the stabbing went down the river what did you do?

A I ran and reported the matter to the brother of Eduardo Mones, Dominador Mones, sir.

Q To where did you run and report?

A Northward, sir.

Q What place?

A In front of the auditorium, sir.

Q Now, will you please tell the Court how many minutes if you know did you negotiate by running the distance from the place where you have seen the clubbing and stabbing to the place near the auditorium where Dominador Mones was at the time?

A About a minute, sir.

Q What was Dominador Mones doing at the time when you have seen him?

A He was watching, sir.

Q What was he watching?

A Watching the dance, sir.

Q Where was he watching the dance?

A By the side of the road, sir.

Q Who were his companions, if any?

A Rogelio Valera, sir.

Q What did you report to Dominador Mones?

A I told him his younger brother was stabbed, sir.

Q What else?

A Later on Dominador Mones rode in the jeep and went to see his brother, sir.

Q Before that what else did you tell Dominador Mones, if any?

A No more, sir.” (Idem., pp. 44-45.)

Dominador Mones, brother of Eduardo, testified in part as follows:

”Q Now, in the evening of May 11, 1979 at about 10:00 O'clock, do you remember where were you?

A Yes, sir.

Q Where were you then?

A I was in Papallasen, sir.

Q Who were the companions of yours, if any?

A Rogelio Valera, sir.

Q Why were you there at Papallasen?

A I went to attend the fiesta, sir.

Q In what particular place of Papallasen were you at the time?

A In front of the auditorium, sir.

Q Do you recall if you have seen the accused Doroteo Pascual and Warlie Organo at that precise time you were in front of the auditorium at Papallasen?

ATTY. VELASQUEZ:

Leading.

COURT:

Answer.

WITNESS:

A I saw them, sir.

Q Who were the companions of these two accused, if any?

A My brother, sir.

Q What is the name of your brother?

A Eduardo Mones, sir.

Q Who else?

A Warlie Organo, Romeo Organo, Doroteo Pascual, Jr. and my brother, sir.

Q What is the relation, if you know if any, of Warlie Organo and Romeo Organo?

A They are brothers, sir.

Q Is there any relationship, if you know between the Organo brothers and the accused Doroteo Pascual, Jr.?

A I do not know any relationship between them, sir.

Q What happened when this group you mentioned when you have seen them in front of the auditorium at Papallasan that evening?

A They were walking towards the west, sir.

Q Do you know why they were walking to the direction of the west?

A I do not know, sir.

Q While this group reached the place where you were at that time what did they do, if any?

A They stopped, sir.

Q What happened when they stopped?

A When they stopped for a moment Warlie Organo touched the shoulder of my brother and said "Let's go to the west

Q And what did your brother do?

A He went with them, sir.

Q Who were those persons, will you please mention again the name of those persons that your brother joined and went together going to the west that evening?

A Warlie Organo, Doroteo Pascual, Jr., Romeo Organo and my brother, sir.

Q What happened after that?

A After the lapse of half an hour somebody came saying that somebody was stabbed in the west, sir.

Q Who is that somebody who came and informed you of the stabbing incident?

A I do not know his name, sir.

Q What did you do upon hearing that information?

A When Pat. Pascua and Sgt. Obedoza went there I joined them, sir.

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Q What direction did you go when you joined Sgt. Obedoza and Pat. Pascua in riding in the jeep of Rogelio Valera?

A We went towards the west, sir.

Q What particular place in the west?

A We went to the place where there was stabbing, sir.

Q And what have you seen?

A When we reached there I saw my brother lying on the ground, sir." (TSN, Vol. I, pp. 21-25.)

The testimony of Supnet is assailed on the following grounds: (1) it is incredible and (2) it is uncorroborated.

There is no basis for the claim that Supnet's testimony is incredible. A portion of his testimony has been quoted above to show that it is coherent and free from improbabilities. The trial judge who heard Supnet testify describes his evidence as follows: "The testimony of Supnet before this Court was categorical and spontaneous. According to Police Investigator Cpl. Dominador Barwel, even when first examined by him on May 15, 1979, less than a day after the burial of the deceased, Supnet gave his sworn statement, Exhibit "A", in a straightforward manner, without any hesitancy. In this first testimony of his, he already positively declared that he actually saw Doroteo Pascual, Jr. clubbing the deceased with a bamboo club and then Warlie Organo and his brother Romeo Organo immediately took turns in stabbing the deceased." (Expediente, p. 236.)

The testimony of Supnet was partly corroborated by that of Dominador Mones (brother of the deceased), a part of which is quoted above. Dominador said that on that fatal evening Eduardo was with Pascual and the Organo brothers; that the group went towards the west; that not long afterwards he was informed that someone had been stabbed; and it turned out to be his brother. But even if Supnet's testimony had not been corroborated the result will not be altered. For the credibility of evidence is not necessarily determined by the number of witnesses but by the quality of the testimony.

It is also alleged that no motive was shown for the killing of Eduardo. Suffice it to say that while evidence of motive is useful, it is not essential and lack of its proof is not fatal to the case for the prosecution.

The defense of the appellants is alibi. Pascual claimed that at the time of the incident he was at his house in Lapaz which is just a kilometer away and can be negotiated on foot in ten minutes. Warlie Organo claimed that he was dead drunk at the house of his brother Jovenio when the incident occurred. He learned about the death of Eduardo the next day from visitors who came to celebrate the baptism of another brother's child. The defense of alibi, however, cannot prevail over the positive identification made by Supnet that Pascual and Warlie Organo were two of the three assailants of the deceased.

WHEREFORE, the judgment of the trial court is hereby affirmed with the sole modification that the appellants shall indemnify jointly and severally the heirs of the deceased in the amount of Twenty-five (P25, 000. 00) Thousand Pesos. Costs against the appellants.

SO ORDERED.

Makasiar, (Chairman), Aquino, Concepcion, Jr., Guerrero, De Castro, and Escolin JJ., concur.

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