

**THE PEOPLE OF THE PHILIPPINES, PLAINTIFF-APPELLEE, VS.
DOROTEO BASLOT AND QUIRINO LLANO,
DEFENDANTS-APPELLANTS.**

G.R. No. 59738. June 08, 1992

Ponente: GUTIERREZ, JR., J.

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GUTIERREZ, JR., J.:

This is an appeal from the decision of the trial court finding the accused Doroteo Baslot and Quirino Llano guilty of the crime of murder allegedly committed as follows:

“That on or about January 11, 1981, at around 3:00 o'clock in the morning, more or less, in Barangay Mat-i, City of Surigao, Philippines, and within the jurisdiction of this Honorable Court, the above-named accused, conspiring, confederating together and with mutual understanding with one another, with abuse of superior strength and taking advantage of nighttime, did then and there willfully, unlawfully and feloniously attack and assault one ROBERTO B. BALINAS, JR., a minor 15 years of age, by then and there hacking the latter with the use of their sharp-pointed bolos, thereby inflicting upon him various serious and mortal wounds which mutilated the body of said Roberto B. Balinas, Jr. and caused his instantaneous death, to the damage and prejudice of the heirs of the deceased in such amount as may be allowed them under the provisions of the Civil Code of the Philippines.

“Contrary to Art. 248 of the Revised Penal Code with the aggravating circumstances of abuse of superior strength, nighttime and cruelty.” (Rollo, p. 8)

Only Baslot and Llano were arraigned on June 5, 1981 since Payao was still at large. Both the accused entered separate pleas of not guilty.

Thereafter, trial on the merits ensued and a decision was rendered by the lower court on September 24, 1981, finding them guilty of the crime charged.

The dispositive portion of the assailed decision reads:

“WHEREFORE, the Court finds the accused DOROTEO BASLOT AND QUIRINO LLANO guilty beyond reasonable doubt as co-principals of the crime of Murder defined and penalized under Article 248 of the Revised Penal Code and there being no modifying circumstances hereby sentences each of them to RECLUSION PERPETUA together with all the accessory penalties and to jointly and severally indemnify the heirs of the deceased the sum of P12,000.00 for the death of the deceased, plus P30,000.00 as actual and moral damages, aside from proportionately paying the costs.

“The bolos Exhibits F and G are hereby ordered confiscated and forfeited in favor of the Government.

SO ORDERED.” (Rollo, p. 27)

From the said decision, only Quirino Llano appealed to this court.

Evidence presented by the prosecution showed the following facts to have attended the commission of the crime:

“Sometime in the evening of January 10, 1981, Quirino Llano went to a beerhouse/disco located at Barangay Mat-i, Surigao City to collect money from a person who was indebted to him. He was accompanied by Doroteo, Rodrigo and Epifanio all surnamed Baslot, and one Bello Payao, solely for entertainment purposes (tsn, August 28, 1981, p. 23).

“Upon reaching the place, Llano met the group of Roberto Balinas, Jr. and conversed with them (p. 4, id.). After he was paid by his debtor Lapure, Llano decided to go home ahead of his group (August 27, 1981, p. 24).

“At around 3:00 o'clock in the morning of January 11, 1981, when Llano's companions were about to leave the beerhouse/disco premises, a commotion ensued between them and Balinas' group which resulted in the disappearance of Rodrigo Baslot. A search for the latter was made by his brothers together with Payao and when they failed to locate him, they proceeded to the house of Rosa Lasia where Llano and his wife were sleeping. Llano was awakened by the noise outside and after being informed of what transpired, he decided to go with Baslot's group to search for Rodrigo. In the process, Baslot's group encountered Balinas and Ramos who had just accompanied Palomo to the latter's house. A chase ensued whereby Balinas and Ramos, in confusion, went in separate directions (tsn, July 13, 1981, p. 16). Unfortunately, Balinas was chanced upon by Dorotso Baslot and Quirino Llano who were both armed with a bolo and they successively took turns in hacking and stabbing him to death (Exh. “H”, I-4). Balinas' mutilated body was discovered by Ampater just outside the latter's house at around 5:00 o'clock in the morning of January 11, 1981 and was subsequently brought to Funeraria Aldonza, Surigao City (Exh. “D”, List of Exhibits for the prosecution and defense). Dra. Cabarrubias, the City Health Officer who conducted the autopsy on Balinas subsequently issued a medical Certificate, the findings of which reads:

- ‘1. Wound (stab) 14 cm. x 4 cm. located at the frontal portion of the head affecting skin, subcutaneous tissues and skull superficially.
2. Wound (stab) 14 cm. x 4 cm. from the right outer portion of the forehead directed downward laterally to the left, traversing the inner portion of the right eye, middle of the nose and face, left, affecting skin, subcutaneous tissues, eyeball, right and nasal cartilage.
3. Wound (stab) cutting the right hand through the wrist joint, leaving the right hand hanging with only the skin connecting it to the forearm.
4. Wound, incised, 7 cm. x 1/2 cm. located at the anterior lower portion of the forearm right, 12 cm. above the wrist joint, affecting skin, subcutaneous muscles and vein.
5. Wound (stab) 10 cm. x 3 cm., located at the palmar portion of the left hand, separating the little ring and middle fingers, affecting skin, subcutaneous tissues, muscles, blood vessels and bones.

POSTERIORLY:

6. Wound (stab) 15 cm. x 5 cm. horizontally located at the upper portion of the occiput affecting skin, subcutaneous tissues and skull superficially.
7. Wound (stab) 16 cm. x 4 1/2 cm. horizontally, located 4 cm. below wound #6, affecting skin, subcutaneous tissues, skull and brain.
8. Wound, incised, 3 cm. x 1 1/2 cm. located at the lateral portion of the back, left, 12 cm. from the mid-shoulder affecting skin, subcutaneous tissues and muscles at the back.
9. Wound (stab) 13 cm. horizontally located at the lower back, right 24 cm. from the mid-shoulder, affecting skin,

subcutaneous tissues, muscles and veins.

10. Wound (stab) 18 cm. x 7 cm. horizontally located at the mid-lumbar region affecting skin, subcutaneous tissues, muscle, blood vessels, completely separating the 1st and 2nd lumbar vertebra.

11. Wound, incised, 6 cm. x 2 1/2 cm. located at the lower dorsal portion of the forearm, left, 2 cm. from the wrist joint, affecting skin, subcutaneous tissues, muscles and veins.

12. Wound, incised, 6 cm. x 2 1/2 cm. located 2 cm. above wound #11 affecting skin, subcutaneous tissues, muscles and veins.” (Appellee's Brief, pp. 3-6)

In an effort to exculpate himself, the accused-appellant assigns the following as errors committed by the trial court:

I

THE TRIAL COURT ERRED IN ADMITTING IN EVIDENCE THE ALLEGED EXTRA JUDICIAL CONFESSION OF THE ACCUSED-APPELLANT QUIRINO LLANO.

II

THE TRIAL COURT ERRED IN HIS BELIEF THAT THE INQUIRY OF DOROTEO BASLOT: “HEPE, IS RODRIGO IN THE HOUSE?”, WAS ADDRESSED TO THE ACCUSED-APPELLANT QUIRINO LLANO.

III

THE TRIAL COURT ERRED IN CONVICTING THE ACCUSED-APPELLANT QUIRINO LLANO ON THE STRENGTH OF THE SWORN STATEMENT OF THE ACCUSED DOROTEO BASLOT.

IV

THE TRIAL COURT ERRED IN ACCEPTING THE TESTIMONIES OF JIMMY PALOMO AND ARTURO MAHINAY AS SUFFICIENT TO ESTABLISH THE IDENTITY OF THE ACCUSED-APPELLANT QUIRINO LLANO.

VI

THE COURT A QUO ERRED IN CONCLUDING THAT APPELLANT QUIRINO LLANO WAS A GOLD PANNER AT MAT-I, SURIGAO CITY. (Appellant's Brief, pp. 4-5)

Quirino Llano, specifically questions the validity of his extrajudicial confession saying that the same was obtained from him through a promise that he will be released immediately because the officer taking his statement believes he is innocent.

We find no need to discuss the admissibility of the extrajudicial confession inasmuch as the same was taken without the presence of a counsel. Nevertheless, even without the assailed extrajudicial confession, there are several circumstances pointing to the guilt of the accused.

First and foremost is his being positively identified by Palomo and Mahinay and to a certain extent, the barangay policeman Ricardo Gonzales, who while not knowing their names testified that Doroteo Baslot and Quirino Llano were among the five persons upon whom he directed his flashlight while they were running away. Vicente Ampater corroborated the incident regarding the five persons, with two of them carrying bolos.

The appellant counters the testimonies of the abovementioned prosecution witnesses by saying that according to their declarations they could not identify the persons who actually hacked the deceased. However, going through the records, one can see that these people who were gold panners were actually familiar with the face of the accused because they saw the latter gold-panning days before the incident. Moreover, the appellant was recognized by the witnesses when the flashlight was focused on his group. This positive identification of the accused by the witnesses established the guilt of the accused to a moral certainty (see *People v. Eswan*, 186 SCRA 174 [1990]). He was there at the scene of the crime as an active participant. More important, the testimonies of the witnesses reveal vital details of the crime which could not have been mere concoctions by them.

This Court has oft-repeated the principle that it will not interfere with the findings of the trial court on the issue of credibility of witnesses unless the lower court has plainly overlooked the undisputed facts of substance and value which if properly considered would have altered the result of the case (*People v. Baysa*, 172 SCRA 706 [1989]). These findings of the trial court are generally accorded great respect (See *People v. Ligon*, 152 SCRA 419 [1987]) by an appellate tribunal for the latter can only read in cold print the testimony of the witnesses which commonly is translated from the local dialect into English. In the process of converting into written form the statements of living human beings, not only fine nuances but a world of meaning apparent to the judge present, watching, and listening may escape the reader of the translated words (*People v. Arroyo and Mina*, G.R. No. 99258, September 13, 1991, citing *People v. Taduyo*, 154 SCRA 349 [1987]).

Anent the second alleged error committed by the trial court, we likewise find no merit in the argument of the appellant that only the brothers of the missing Rodrigo Baslot shared the belief that he had been killed, that they alone were looking for the group suspected of killing Rodrigo and that the query was addressed to Epifanio Baslot, not Quirino Llano.

The argument of the appellant is obviously self-serving and a mere afterthought because when Baslot's group was inquiring for Rodrigo, Epifanio Baslot was with them. Why should he then still be asked about Rodrigo? Moreover, only the appellant and his wife were in the house. The query can, therefore, be directed to Llano only and not to one of the Baslot brothers. The circumstances surrounding this incident are substantiated by the testimony of his wife.

It is not impossible that somebody aside from the immediate members of a family would share in the sentiment regarding what might have happened to a friend. As noted from the records, Llano and the Baslot family were friends so that concern for the safety of a member of the other family is a natural reaction which is very much in keeping with Filipino cultural values.

The accused-appellant further questions his conviction which he claims was made largely on the basis of the sworn statement of Doroteo Baslot, his co-accused.

It must be noted that the conviction of the appellant was not made on the basis of a co-conspirator's statement but on the basis of the evidence adduced by both parties and the testimonies of the witnesses. There is a dovetailing of the testimonies of the prosecution witnesses and the accused themselves on the sequence of events from the time the groups were at the beer house, to the accosting of the victim and his companions by Doroteo Baslot, Quirino Llano, and Bello Payao until the chase and killing of the victim.

The last alleged error raised by the accused boils down to one of credibility of witnesses. Llano maintains that he was a mere visitor and not a gold panner as claimed by the prosecution witnesses.

Regardless, however, of whether or not he was a gold panner or a casual visitor, this is immaterial because the

substantial aspects of the crime have been duly proved.

On the basis of the above findings, we affirm the lower court's finding the appellant guilty as charged.

WHEREFORE premises considered, we hereby AFFIRM the decision of the trial court with the modification that the indemnity for death is raised to P50,000.00 in accordance with recent rulings of this court but the P30,000.00 actual and moral damages are DELETED as being without any basis in the records.

SO ORDERED.

Feliciano, Bidin, Davide Jr., and Romero, JJ., concur.

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