

**THE PEOPLE OF THE PHILIPPINES, PLAINTIFF-APPELLEE, VS.
RODANTE BAUTISTA, MARCIANO MANUYAG AND FAUSTINO
MANANSALA, JR. (AT LARGE), ACCUSED-APPELLANTS.**

G.R. No. 69123. January 30, 1987

Ponente: PARAS, J.

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PARAS, J.:

This is an appeal from the decision of the Regional Trial Court of Pampanga,[1] Branch LIV, Macabebe, Pampanga in its Criminal Case No. 83-0016 (M) finding accused Rodante Bautista and Marciano Manuyag guilty beyond reasonable doubt of the crime of murder having conspired and confederated with their co-accused Fausto Manansala, Jr. (still at large) in killing Reynaldo Bautista, and sentencing them as follows:

"WHEREFORE, premises considered, the Court hereby finds the accused Rodante Bautista and Marciano Manuyag guilty beyond reasonable doubt of the crime of Murder as charged in the information, and hereby sentences them to suffer the penalty of Reclusion Perpetua.

"The Court further sentences them jointly and severally to indemnify the heirs of Reynaldo Bautista the sum of Fifty Thousand Pesos (P50,000.00), Philippine Currency for the death of Reynaldo Bautista, Eight Thousand Nine Hundred Seven Pesos (P8,907.00), Philippine Currency for actual damages incurred for burial and other expenses of the deceased in accordance with customs and traditions and Fifty Thousand Pesos (P50,000.00) for moral damages. The Court further orders the accused jointly and severally to pay the costs.

"SO ORDERED."

The fact of death of Reynaldo Bautista is undisputed. He died on December 6, 1982 due to severe hemorrhage secondary to multiple stab wounds. Narrating the circumstances leading to the death of his brother, Roberto Bautista testified that at around 6:00 o'clock in the evening of December 6, 1982, he and his parents were taking supper at their house in Barangay Sta. Cruz, Masantol, Pampanga (t.s.n., p. 7, May 11, 1983). After finishing his supper he was sent by his father to look for his brother, Reynaldo Bautista, for the latter to take his supper also (t.s.n., p. 8, *ibid.*). In search of his brother and as he crossed a bridge, he saw at a distance of about ten (10) meters, Fausto Manansala, Jr., Marciano Manuyag and Rodante Bautista "Kahol-kahol" in front of the house of Juan Guinto (t.s.n., pp. 9-10, *ibid.*). Thereafter, he saw Marciano Manuyag and Rodante Bautista holding the hands of his brother Reynaldo Bautista, and simultaneous thereto, he saw Fausto Manansala, Jr., successively stab Reynaldo Bautista in different parts of his body (t.s.n., pp. 10-11, *ibid.*). As he approached the place where his brother was being assaulted, and upon being seen by Rodante Bautista, Marciano Manuyag and Fausto Manansala, Jr., they dumped Reynaldo Bautista's body in the ricefield and ran away (t.s.n., pp. 11-12, *ibid.*; Brief for the plaintiff-appellee, pp. 2-3).

As a consequence, Fausto Manansala, Jr., Rodante Bautista and Marciano Manuyag were charged with the crime of Murder, committed as follows:

"That on or about the 6th day of December, 1982, in the municipality of Masantol, province of Pampanga,

Philippines, and within the jurisdiction of this Honorable Court, the above-named accused FAUSTO MANANSALA, JR. (at large), RODANTE BAUTISTA and MARCIANO MANUYAG, conspiring, confederating together and mutually helping one another, and armed with a knife, did then and there willfully, unlawfully and feloniously with deliberate intent to kill, attack and wound therewith REYNALDO BAUTISTA in the different parts of the body, inflicting upon him 5 x 2 cms. lacerated wound at (R) 7th ICs along parasternal line, 4 x 1 cm. lacerated wound at mid epigastrium and 8 x 3 cms. lacerated wound at (R) axillary region, with treachery and known premeditation, said accused FAUSTO MANANSALA, JR., inflicting the said wounds upon Reynaldo Bautista while the latter was being held by the two (2) other accused Rodante Bautista and Marciano Manuyag, which directly caused the death of said Reynaldo Bautista.

"All contrary to law, and with the qualifying circumstance of alevosia and the generic aggravating circumstance of premeditation."

But, only Rodante Bautista and Marciano Manuyag who both entered a plea of not guilty, were arraigned, as Fausto Manansala, Jr. has not been arrested.

After due trial, Rodante Bautista and Marciano Manuyag were found guilty of the crime charged and sentenced as aforesaid. From this judgment, both appealed to Us, upon the following assignment of errors —

I

THE TRIAL COURT ERRED IN GIVING MUCH WEIGHT TO THE TESTIMONIES OF THE PROSECUTION WITNESSES, INSTEAD OF DISCARDING THE SAME FOR BEING BIASED, HEARSAY, UNNATURAL AND INCONSISTENT.

II

THE TRIAL COURT ERRED IN DISREGARDING THE TESTIMONIES OF DISINTERESTED WITNESSES AMALIA MALLARI AND BARANGAY CAPTAIN MAXIMO ISIP WHO NARRATED THE TRUE AND ACCURATE VERSION OF THE INCIDENT IN QUESTION.

III

THE TRIAL COURT ERRED IN NOT GIVING WEIGHT TO THE EXCULPATORY EVIDENCE OF THE ACCUSED-APPELLANTS WHO HAD NO MOTIVE AT ALL, TO HARM, MUCH LESS TO KILL DECEASED REYNALDO BAUTISTA.

IV

THE TRIAL COURT ERRED IN CONCLUDING THAT THERE EXISTED A CONSPIRACY AMONG THE ACCUSED FAUSTO MANANSALA, JR., RODANTE BAUTISTA AND MARCIANO MANUYAG IN THE KILLING OF THE VICTIM.

V

THE TRIAL COURT ERRED IN NOT HOLDING THAT THE PROSECUTION FAILED TO PROVE THE CORPUS DELICTI AND TO SATISFY THE QUANTUM OF PROOF REQUIRED IN A CRIMINAL ACTION.

VI

THE TRIAL COURT ERRED IN FINDING THE ACCUSED-APPELLANTS RODANTE BAUTISTA AND MARCIANO MANUYAG GUILTY OF THE CRIME OF MURDER AND IN SENTENCING THEM TO SUFFER THE PENALTY OF RECLUSION PERPETUA OR LIFE IMPRISONMENT AND TO INDEMNIFY THE HEIRS OF THE DECEASED IN THE AMOUNT OF P108,907.00 AND TO PAY THE COSTS.

Both the prosecution and the defense agree on one point — the fact of death of Reynaldo Bautista. The disagreement lies in the fact that while the prosecution wanted to establish, and in fact did establish to the satisfaction of the trial court that herein appellants conspired and confederated with Fausto Manansala, Jr. in killing Reynaldo Bautista, the defense wanted to establish that it was only Fausto Manansala, Jr. who inflicted the fatal wounds on the victim.

Thus, both appellants testified that at about 6:00 o'clock in the evening of December 6, 1982, they already left the house of accused Fausto Manansala, Jr. with accused Manansala, Jr. and the victim Reynaldo Bautista, still drinking gin; that they proceeded to their respective houses to join their family, where they rested until they were awakened by barangay captain Maximo Isip who took them away for protective custody.

To corroborate their testimony on this point, appellants presented Amalia Mallari, a sister-in-law of accused Marciano Manuyag, who testified that on her way to buy cigarettes from the store of Pio Bautista, and at a distance of about 3 to 4 meters from the house of accused Fausto Manansala, Jr., she saw accused Fausto Manansala, Jr. stabbing the victim Reynaldo Bautista in an almost kneeling position with the victim lying on his back on the floor; that aside from the two, she did not see any other person inside the house of the accused Manansala, Jr. at that time.

The main thrust of appellants' assignment of errors is against the credibility of the witnesses for the prosecution. But, We have carefully examined the records of the case and We find no ground to alter the trial court's appreciation of the credibility of the witnesses for the prosecution, particularly that of Roberto Bautista, simply because he is the brother of the victim. Relationship of the witness with the victim does not impair his credibility (People vs. Surban, 123 SCRA 218; People vs. Oquiño, 122 SCRA 797). As aptly held by the trial court —

"The fact that prosecution witness Roberto Bautista is a brother of the victim Reynaldo Bautista will not automatically disqualify him as a credible witness, especially as in this case where the testimony is supported by corroborative evidence, such as Exhibit "A-5", which is the picture taken upon instruction of Police Sgt. Daniel Sunga of the Masantol INP showing the rice paddy where the body of the victim Reynaldo Bautista was dumped or where it fell down after the accused Rodante Bautista and Marciano Manuyag released it when they saw Roberto Bautista approaching them. This picture, Exhibit "A-5" was identified by both prosecution and defense witnesses. Depicted in the picture is a portion of a rice paddy along what appears to be a barrio road with standing palay crop and with the shape or contour of a human body dropped or dumped thereon, causing the palay crops to be crumpled on the mud, Exhibit "A-1" is another picture taken upon instruction of the police investigator duly identified in the course of the trial by other prosecution and defense witnesses, showing the victim Reynaldo Bautista with mud and dirt on his extremities, apparently retrieved from the rice paddy. Pictures speak a thousand words, corroborate the testimony of prosecution witness Roberto Bautista and to overcome the charge of the defense that he is a biased witness, being a brother of the victim."

While there may be some contradictions and inconsistencies in statements of the witnesses for the prosecution, the discrepancies refer to minor or trivial details which cannot destroy the probative value of the entire testimony of the said witnesses. We cannot expect absolute uniformity in every detail because witnesses react differently to what they see and hear, depending upon their situation and state of mind. Complete uniformity in details is a

badge of untruthfulness. The slight contradictions, on the other hand, strengthen the sincerity of the testimony of the witness. (People vs. Pelias Jones, 137 SCRA 166; People vs. Pacabes, 137 SCRA 158; People vs. Agudo, 137 SCRA 516)

It is settled that when the issue is one of credibility of witnesses, appellate courts will generally not disturb the findings of the lower court, considering that it is in a better position to decide the question, having heard the witnesses themselves and observed their deportment and manner of testifying during the trial unless it has plainly overlooked certain facts of substance and value, that, if considered, might affect the result of the case. (People vs. Tuscano, 137 SCRA 203; People vs. Millarpe, 134 SCRA 555; People vs. Alison, 122 SCRA 9)

In the case at bar, We are convinced, after a review of the evidence on record, that the trial court has not overlooked any fact of substance and value which if considered might affect the result of the case. We therefore uphold the following findings and conclusions of the trial court —

"As alleged in the information, the accused are being charged for Murder from the stabbing by accused Fausto Manansala, Jr. of the accused (sic) Reynaldo Bautista while the latter was being held by the two other accused Rodante Bautista and Marciano Manuyag which directly caused the death of the victim Reynaldo Bautista, the killing being attended by the qualifying circumstance of alevosia or treachery and the generic aggravating circumstance of premeditation.

"The court is convinced that the accused are guilty of the crime charged in the information attended by the qualifying circumstance of treachery or alevosia. The evidence presented by the prosecution are not only clear and positive but also logical and in accordance with human experience. While it is true that the eyewitnesses of the stabbing of the victim by accused Fausto Manansala, Jr. are at variance with each other, the Court is more inclined to give credence to the version of the prosecution, as earlier pointed out. The witness for the accused, from the observation of the Court, is a perjured witness and her testimony should be rejected. In the first place, it is unnatural for a person who witnessed a fatal stabbing of a barriomate to keep silent of what she witnessed for more than two months. It becomes more incredible with the relation of the witness to the accused and her apparent effort to hide such relationship to the Court. To the mind of the Court, a witness who is proven not to be candid with the Court should not be believed. Such is the fate of the testimony of defense witness Amalia Mallari, who was unmasked by the Prosecution Fiscal, in the course of the cross examination, to be a sister-in-law of accused Marciano Manuyag, she being a common-law wife of Pablo Manuyag, Marciano Manuyag's brother.

"While it is true that there are inconsistencies in the testimonies of the witnesses for the prosecution, the Court notes that such inconsistencies refer more to minor details of the incident which do not detract to the main incident, which was the killing of the victim Reynaldo Bautista. Considering the educational background of the witnesses and their inexperience in giving testimonies before the Court, the Court feels the minor inconsistencies add more weight to the testimony of these witnesses. It only proves that the witnesses were not orchestrated by the prosecution. On the contrary, they related the event that they witnessed as perceived by their senses devoid of any coaching or aid from an experienced advocate.

"The Court also finds that the generic aggravating circumstances of premeditation has not been established by the evidence. No mitigating circumstance was likewise proved or established by the defense."

The defense of alibi interposed by the appellants cannot be taken seriously. For, well-settled is the rule that alibi is a weak defense against positive identification made by the prosecution witnesses. (People vs. Cervantes, 125 SCRA 187; People vs. Elefano Jr., 125 SCRA 702). We also find no reason from the records why the prosecution witnesses should fabricate their testimonies and implicate appellants in such a serious crime.

Finally, the contention of the appellants that the trial court erred in concluding that a conspiracy existed, is unfounded. The holding of the hands of the victim by the appellants insured the commission of the offense. The

victim was immobilized and prevented from parrying the knife thrust of Fausto Manansala, Jr. We ruled in *People vs. Banayo*, 129 SCRA 725 that —

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“x x x conspiracy may be inferred though no actual meeting of the minds among the accused was proven (*People vs. Velez*, 58 SCRA 21). Proof of publicly observable mutual agreement is not indispensable to establish conspiracy. Hence, there is conspiracy where two of the accused held the victim's hands and the third stabbed the victim from behind (*People vs. Rhoda*, *supra*). Each of the offenders performed with such closeness and coordination indicating a common purpose or design. (*People vs. Geronimo*, 53 SCRA 246).”

WHEREFORE, the judgment appealed from is **AFFIRMED**. However, the death indemnity to the heirs of Reynaldo Bautista is reduced to P30,000.00, and the moral damages reduced to P10,000.00.

With proportionate costs against appellants.

SO ORDERED.

Fernan, (Chairman), Alampay, Padilla, and Bidin, JJ., concur.

Gutierrez, Jr., J., no part.

[1]Penned by Judge Lorenzo B. Veneracion

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