

PEOPLE OF THE PHILIPPINES, PLAINTIFF-APPELLEE, VS. ROSALITO MOLINA, ACCUSED-APPELLANT.*G.R. No. 70008. April 26, 1990*

Ponente: CRUZ, J.

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The decision of the trial court in this case is exasperatingly long and has made no effort to separate the chaff from the grain. Everything has been indiscriminately dumped in as into a catch-all. Even the most irrelevant and inconsequential details have been recited, to only clutter the record and befuddle the issues. Plowing through it would have been punishment enough for the accused-appellant, assuming he was guilty. But the Court cannot excuse the waste of its valuable time by this extraordinary verbiage.

This case arose from the killing of Pedro T. Ong on March 17, 1983, at about five o'clock in the afternoon, at Barangay Suklayin, Baler, in the province of Aurora. He succumbed almost instantly to seven bullet wounds found later to have been caused by a single shot from a 30-centimeter firearm. In due time, Rosalito Molina was arrested and charged in the Regional Trial Court of Aurora with the murder of Ong. After trial, the accused was found guilty and sentenced to reclusion perpetua and all accessory penalties, besides being required to pay a civil indemnity of P12,000.00 to the victim's heirs.[1]

The prosecution relied principally on the testimony of two supposed eyewitnesses, namely, Felicidad B. Poblete and Rosalinda Libed. Two other witnesses swore to having seen Molina near the scene of the crime shortly before it was committed. The rest of the witnesses for the prosecution testified only on events that transpired after the killing except that the victim's wife also suggested the motive for the crime.

Poblete, a 43-year old laundress, declared on the stand that in the afternoon in question she took a jeep in Baler bound for San Isidro, where she was residing. On the way, four men riding on two motorcycles (two on each vehicle) signaled the jeep to stop, and she then heard one of them ask: "Ano kaya, mapupuruhan mo?" to which another replied, "Purong-puro." (This translates to "Can you make a direct hit?" "Sure.") Three of the men then boarded the jeep while the fourth man, whom she later identified as Molina, left by himself on his motorcycle, proceeding ahead of them along the same road.[2]

Continuing, this witness swore that as they neared the chapel along the street, she saw Ong, who was wearing "a striped T-shirt, maong pants, shoes, socks and a wrist watch." Suddenly a shot rang out and Ong fell to the ground. Almost in the same instant, she also saw Molina hiding behind a balibago tree on the other side of the street about five meters diagonally from Ong. Molina was wearing short denim pants and a jacket and carrying a long shotgun with his right hand. According to her, the jeep then stopped in front of the NGA warehouse and minutes later Molina tapped her on the back and said to her, "What you saw, you just saw." She did not reply because she was frightened. The jeep thereafter resumed its trip and she got off at San Isidro.[3]

Upon arriving home, she narrated her experience to her husband, who said nothing. Later she reported the incident to the provincial governor's wife, for whom she was doing some laundering, and Mrs. Etcubañez advised her to

inform the authorities. She talked to Mrs. Ong and later to the police, identifying the accused-appellant as the killer. She was later approached by several persons who tried to dissuade her from testifying against Molina.[4]

Libed was a 16-year old high school student who said she was walking home from school that afternoon of March 17, 1983, when she saw Molina hiding behind the balibago tree on the left side of the street. She looked away because she thought he was urinating. Shortly thereafter, she heard a shot and almost at the same time she saw Ong on the other side of the street clutching his chest and slowly collapsing. She immediately ran to him and found he was no longer breathing, whereupon she rushed to the Molina house nearby from which five men came out, including the accused-appellant. She added that at the precise time of the shooting she saw a yellow jeep passing by with a woman seated in front and three male passengers behind.[5]

This witness also declared that at about eight o'clock that same evening, while she was lying in her bed, somebody entered her room and pointed a 30-centimeter shotgun at her throat. The man said, "Nene, close your mouth. Do not interfere so there will be no trouble." He then left. She recognized the intruder as Molina, who was still in the denim shorts and jacket he was wearing earlier in the afternoon.[6]

Mrs. Sisenia Ong testified that there was bad blood between her husband and the accused-appellant because Ong had imputed the theft of one of his gamecocks to Molina's barkada. Reports of his suspicion reached Molina, who resented it. She also said that on another occasion the Molina family approached Ong as barangay captain about the squatters on their land but he merely advised them to go to the Bureau of Lands. She also spoke vaguely of a lawsuit in which her husband and some members of the Molina family were involved.[7]

For his part, the accused-appellant offered the defense of alibi and claimed he was in Manila at the time of the commission of the crime. He narrated his movements from the day he left Baler on March 13, 1983, until his return from Manila on March 19, 1983, and presented several witnesses to corroborate his testimony.[8] Focusing on the afternoon of March 17, 1983, he described how he went to his cousin's office at Pacific Engineering Co., Inc. in Makati, where he signed the logbook, a photocopy of the pertinent page of which he submitted as an exhibit.[9] From there he proceeded to another office, the First Holdings International, where he was interviewed and filled up some forms in connection with his application for employment abroad. It was only on March 19, 1983, at half past six o'clock in the morning, that he and his wife boarded a PNR bus in Tutuban station and headed for Baler, where they arrived at about two o'clock in the afternoon.[10]

The trial court rejected the alibi, describing it as fabricated, and refused to believe the defense witnesses on the ground that, as relatives of the accused or employees of his cousin who exercised much influence over them, they had testified only to help Molina. His documentary evidence was dismissed as "unverifiable." The trial judge also speculated that it was not impossible for Molina, considering his good physical condition, to have used his motorcycle or a private car in going to Baler from Manila to commit the crime and then returning to Manila that same night of March 17, 1983, after warning Libed. The distance between Baler and Manila was only 232 kilometers and could have been negotiated by him in 5 to 6 hours.

The Court has examined the evidence of the parties and finds that even if the alibi were correctly rejected, the conviction of the accused-appellant would not necessarily follow. We have repeatedly stressed that the prosecution must depend on its own strength instead of relying merely on the weakness of the defense, as it seemed to be doing here. While it is not certain in the case at bar that Molina is innocent, it is not certain either that he is guilty; and the rule is that it is innocence, not guilt, that is presumed.

The testimony of the principal witnesses is in some parts too pat to be convincing and in other parts just plainly unbelievable. Assuming that Poblete and Libed are credible witnesses without any known motive against Molina, we feel that such credibility is not sufficient by itself alone for it is necessary as well that their testimony itself be

credible. In our view, their statements on the stand suffer from serious flaws that have raised grave doubts about the guilt of the accused-appellant.

For one thing, the Court finds it too much of a coincidence that at the precise time that Ong was shot, both the girl Libed and the yellow jeep in which Poblete was riding just happened to be passing by. The timing is too perfect to be believable. Or maybe it was imperfect. For, indeed, one may well wonder why the killer should be so reckless as to choose that precise moment to fire the shot that would kill Ong when Libed and the persons in the jeep would easily and surely see him. That is unnatural and irrational. Unless he was extremely stupid, the killer would have waited for a few minutes at least, after both the jeep and the girl had passed, before firing the fatal shot. No one could then have seen him in flagrante delicto. Yet, as the prosecution would have the Court believe, the accused-appellant decided at that exact moment, when he was in plain view of Poblete and Libed, to pull the trigger and kill Ong.

For another, there is the strange conversation that took place within hearing of Poblete, as if it had been intended for her ears. The men freely talked of the crime about to be committed as if it were the most innocuous and innocent subject in the world. Poblete did not say that they even lowered their voices or whispered to each other so she would not hear what they were saying. They talked as if there were no other persons around. Yet, as the prosecution would put it, they were plotting death. These men were talking of a killing to be accomplished within minutes, and yet they were so mindless, or so brazen, that they did not care who heard them.

There is still another thing that puzzles the Court and that is what happened to the other motorcycle. Poblete said the four men came on two motorcycles, with two on each vehicle, and that later, after their conversation, three men boarded the jeep while Molina went alone on one of the motorcycles. So what happened to the second motorcycle? Poblete was sure it was not loaded on the jeep,[11] which could simply mean it was left behind in that deserted street. A valuable vehicle abandoned just like that? Did the three men simply donate it to any lucky finder or was this piece of testimony another concoction?

Poblete also testified that after the shooting of Ong, the jeep where she was riding stopped, although she gave no reason why. Molina approached to warn her not to talk and then left, ignoring the other passengers. She did not say that the accused-appellant also threatened the driver, who also saw what she saw and was apparently not part of the plot like the other three passengers behind. It was important for Molina to warn not only her but also that driver; yet she said he talked only to her.

Significantly, the police never located that driver although he was driving a passenger jeep plying that regular route. The man simply vanished. It is also strange that the other three persons in the jeep were also never found although Poblete says she used to see them in the motorpool in Baler and could identify them if she saw them again.[12] The yellow jeep has itself also disappeared without a trace.

In other respects, Poblete's testimony also fails under scrutiny. Although she said she usually took a tricycle to and from Baler, it just so happened - again - that on that particular date and at that particular time, she took a jeep[13] that, coincidentally enough, as it turned out later, would be passing by as Molina shot Ong in front of the chapel. Asked if it was a passenger jeep, she said she did not know although she took it just the same and was admitted as a passenger.[14] She said she had never seen that yellow jeep before (and curiously, as earlier noted, it has never been seen again). It is also significant that when asked on cross-examination if she had ever testified in court, Poblete categorically replied she had never done so.[15] Confronted with contrary evidence, however, she admitted having appeared in three court cases, in two of which she was in fact the accused.[16]

As for Libed, the most striking part of her testimony is her sworn story of Molina's nocturnal visit and of the armed warning he made in her bedroom. Just like in the movies, this is simply too exciting for words. But levity

aside, it is not easy to believe that just anybody, least of all an armed stranger, can freely enter a young lady's bedroom - and at night, at that - especially as there were other persons in the same house who could have seen him. It was only eight o'clock then; the household was presumably still awake. One might rightly say that this kind of incident just does not happen in a Filipino home, especially in the province, and particularly in the small house where Libed was living.

If the Court is skeptical of this tale, it is because Libed is not a convincing enough witness, what with the other flaws in her declarations. Her answers are too glib, as if she had been rehearsed, as when she was asked by the prosecutor why she was testifying and she replied: "First, I would like justice to prevail. Second, I received a subpoena, sir." [17] It is especially noteworthy that when she gave her statement to the police on March 22, 1983, [18] she said she saw no one besides Ong that afternoon before he was shot, making no particular mention of Molina. Asked to explain this omission, she said she was confused when she gave that statement although it was all of five days after the killing, when she would have already collected her thoughts. On the stand, she was relating an entirely different story, emphasizing how she saw Molina hiding behind the tree and later running away after the shot that killed Ong was fired. Libed also insisted that no one had talked to her before the hearing about the testimony she was going to give, not even Mrs. Ong or the prosecutor, whom she was evidently intending to surprise with her revelations. [19]

Given all these suspicious statements from the two principal witnesses for the prosecution, the Court hesitates to accept the judgment of conviction pronounced by the trial court. Even the reasons suggested by Mrs. Ong do not seem to be serious enough as to have provoked the murder of her husband by the accused-appellant. The prosecution has in our view not established that quantum of proof needed to overcome the constitutional presumption of innocence.

We feel that the trial judge's obsession for details, including the most trivial, has prevented him from seeing the bigger picture and arriving at the correct conclusion. He could have been more perceptive and judicious rather than merely reportorial. The decision would have been less ponderous with the elimination of such inconsequentialities as the following turgid paragraph and other similar statements that have contributed absolutely nothing to Philippine jurisprudence:

Delfin Malibago, who was riding with his wife on their service motorcycle from their farm in Zarah, San Luis, Aurora to their home in Suklayin, met at the curve where palay was being dried near the ricemill of Calabuanan Barangay Captain Ramon Flores the blue long-nose Isuzu truck of Governor Etcubañez driven by Pedrito who greeted him with his light which he answered with his horn, then the blue passenger-type Sarao jeep of Dolfo, and lastly the deep red jeep owned by the son of Ang just after the Welcome sign. When they were opposite Juanito Flores' place about 80 meters from the NFA compound, he noticed people running ahead of them and they stopped opposite the NFA compound. They proceeded and passed by a person lying down they did not attempt to recognize. When they reached the mango trees at the road going to Setan they heard that Barangay Captain Ong was the person lying down, they went back, looked at the cadaver and saw it was indeed him. There were many people there among whom was Board Member Dr. Samano.

Trial courts should not merely reproduce everything testified to by the witnesses no matter how unimportant and immaterial it may be, even if this might lighten their work. By such indolent process, they only complicate and lengthen their decisions, beclouding and possibly misreading the real issues in their tiresome narration of the facts, including even those without bearing in the case. Judges should make an effort to sift the record and relieve it of all inconsequential matters, to give them a clearer view of the real questions to be resolved and a better idea of how this resolution should be done. In the decision before us, written single-spaced on 25 legal-size sheets, less than four pages are devoted to evaluation and analysis, the rest being a recitation of virtually every single detail, however unimportant, volunteered by the witnesses. The larger issues are lost in the plethora of irrelevancies that

evidently have obscured the judgment under challenge.

At any rate, the Court is not prepared to affirm the decision not because it is long and convoluted but because the prosecution has failed to prove the guilt of the accused-appellant beyond reasonable doubt. The inherent incredibility of witnesses Poblete and Libed has sown the seeds of suspicion that the evidence against Molina has been fabricated, and rather awkwardly at that. The convergence of events in this case is, plainly, too coincidental to deserve belief and the other improbable declarations of the government witnesses have added to that disbelief. The defense of alibi may be weak, and perhaps it was really Molina who killed Ong, but the prosecution has failed to prove the accused-appellant's guilt and so he must go free.

WHEREFORE, the appealed decision is REVERSED and the accused-appellant is ACQUITTED. No costs.

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

[1] Rollo, p. 37. Decision penned by Judge Ernesto P. Valencia.

[2] TSN, May 18, 1983, pp. 3-5.

[3] Ibid., pp. 7-11.

[4] Id., pp. 11-13, 34-36.

[5] TSN, May 31, 1983, pp. 4-13.

[6] Ibid., pp. 14-15.

[7] TSN, May 19, 1983, pp. 6-9.

[8] TSN, January 12, 1984, pp. 3-13.

[9] Ibid., pp. 7-9.

[10] Id., pp. 10-13.

[11] TSN, May 18, 1983, p. 17.

[12] Ibid., p. 16.

[13] Id., p. 38.

[14] id., pp. 36-37.

[15] id., p. 30.

[16] id., pp. 30-32.

[17] TSN, May 31, 1983, p. 17.

[18] Original Record, p. 8; Exhibit "3."

[19] TSN, May 31, 1983, pp. 26-28.

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