

PEOPLE OF THE PHILIPPINES, PLAINTIFF-APPELLEE, VS. BERNABE MACASINAG, ALIAS “BOTOY,” ACCUSED-APPELLANT.

G.R. No. 74075. May 12, 1989

Ponente: CRUZ, J.

Read online (full-text search, related cases, audio case brief): <https://batas.org/library/g-r-no-74075/>

CRUZ, J.:

It is a basic principle of constitutional law that the accused shall be presumed innocent until the contrary is proved, and this by the most convincing evidence constituting proof beyond reasonable ground. Lacking such certainty, the trial court has the duty to render a verdict of acquittal - indeed even if the prisoner on the dock utters not a word on his behalf - on the equally well-known precept that the strength of the prosecution lies not in the weakness of the defense. The prosecution must rely on its own evidence to prove its case and stand on its own two feet, so to speak, to sustain a conviction. If it cannot, the charge must be dismissed and the defendant released.

In the case at bar, the defense offered by the accused-appellant is alibi, one of the least persuasive of excuses known in law. We feel, however, that the evidence of the prosecution is even less believable and has in fact even bolstered the cause of the defense. The defense must be sustained.

Bernabe Macasinag, the herein accused-appellant, was charged with the murder of Jesus Matienzo, Sr., allegedly committed in the early morning of April 20, 1985, at the Masbate abattoir in Kinamaligan, Masbate.[1] After trial, he was found guilty by Judge Zosimo Z. Angeles of the Regional Trial Court of Masbate and sentenced to death, besides being subjected to certain pecuniary liabilities.[2] His case was elevated to the Court for automatic review because of the penalty, which, however, is no longer imposable under the present Constitution. This case is now treated as an ordinary appeal.

Also settled is the rule that the factual findings of the trial court should be accorded the highest respect by the appellate court because of the opportunity enjoyed by the former to observe the demeanor of the witnesses on the stand and assess their testimony. Nevertheless, the higher court is not entirely precluded from reviewing and reversing these findings if it is not convinced that they are conformable to the evidence of record and to its own impressions of the credibility of the witnesses.

As found by the trial court on the basis of the evidence of the prosecution, the accused-appellant met Arturo Deocariza at about two o'clock of the morning in question on the way to the Masbate abattoir and decided to accompany him. Before entering the slaughterhouse, Macasinag noticed a person lying near the wall of the building and asked Deocariza to find out who it was. Deocariza did so and informed Macasinag that the sleeping man was Jesus Matienzo, Sr. On the spur of the moment, it would seem Macasinag then pulled a .45 caliber pistol from his waist, approached Matienzo and shot him in the forehead. Deocariza fled in fear into the slaughterhouse.[3]

Inside the slaughterhouse, Jesus Matienzo, Jr. heard the shot and went outside to investigate. He came out in time to see a fat man scaling the wire fence and wearing a red striped black T-shirt, denim trousers and white rubber shoes. The witness later identified the man as Macasinag, the herein accused-appellant.[4] Meanwhile, near a

cafeteria some two hundred meters away, PC Sergeant Cesar Ramirez also heard the shot and rushed toward the direction of the sound with drawn service pistol. On the way, he met the accused-appellant who was running fast. Ramirez did not detain Macasinag even when he asked him why he was running and the latter did not answer.[5]

On arrival at the abattoir, Ramirez inquired about the shot he had heard but no one gave any explanation. Informed that Jesus Matienzo, Sr. had not yet butchered his carabao, Ramirez asked Ompoy Dinglasan to wake him up, but the latter returned a few minutes later to report that Matienzo could not be roused. The two of them went to the cafeteria to drink coffee and, after an hour, Ramirez again asked Dinglasan to wake up Matienzo. This time, Dinglasan came back with the shouted report that Matienzo was dead with a bullet in his head.[6]

On April 23, 1985, the accused-appellant was apprehended and investigated for the offense, and on July 18, 1985, an information was filed against him for the murder of Jesus Matienzo, Sr.

In his defense, Macasinag claimed that he was in Bulan, Sorsogon, at the time of the commission of the offense and was accompanied by Federico Chua,[7] who corroborated his testimony.[8]

It has already been remarked that alibi is a rather weak defense; but as also earlier observed, the verdict on the accused must depend on the strength not of the defense but of the prosecution. This is to say that even if the defense may be weak (which is not so declared in the present case), the prosecution must still fail if it is even weaker, or at least not strong enough to support a conviction. And that is precisely what it is in the case at bar.

The trial court described Deocariza's testimony as "straightforward, clear, sincere and convincing," but that is probably true insofar as its delivery in court was concerned. The intrinsic credibility of the testimony itself is another matter. One finds it difficult to accept that the offense was committed only because of the happenstance that Macasinag chanced upon Matienzo while the latter was asleep that morning of April 20, 1985. Then and there it occurred to the accused-appellant to murder the victim, which he did without much ado. No less remarkably, Macasinag was apparently not bothered that there was a witness to the deed - Deocariza was ignored completely as if he never existed at all. And to make matters less credible, Deocariza said absolutely nothing when Ramirez arrived on the scene and started asking questions; and even later, after his initial shock and fear had dissipated, this alleged eyewitness persisted on keeping silent. It was only thirteen days later that he supposedly revealed all to the fiscal,[9] who prepared an affidavit for him to sign. He did not do this right away. In fact, it took another twenty-five days before he decided to affix his signature to the statement,[10] which, to compound the confusion, he later retracted.[11]

Ramirez is no less convincing. He says he rushed with gun drawn toward the direction of the shot when he heard it but made no move to stop the accused-appellant when he saw Macasinag running away from such direction. The running man should have excited the suspicion of Ramirez, who was a peace officer trained in the apprehension of criminals and fugitives. But he did nothing to intercept or detain Macasinag. Ramirez said he stopped but the other man continued running fast. Ramirez says he recognized Macasinag "because of his attire" (as if to suggest that the man had a distinctive manner of clothing), and when having passed him, Macasinag turned back. Ramirez said he could recognize Macasinag because of the light from the Shell station which presumably illuminated the latter's face.[12]

However, the defense established through Perlita Lustacio, that the Masbate Electric Cooperative turns off all electric power at 11 o'clock in the evening,[13] (another witness, Rolando Mangubat, said it was at midnight[14]). In either case, this would mean that the Shell station could not have been lit at 1:30 a.m. when Ramirez claimed to have met and identified the running Macasinag.

As for Jesus Matienzo, Jr., he says that there were about fifteen persons in the abattoir when the shot was

heard,[15] but only he was curious enough to go out and find out what it was all about. No one else accompanied him although the shot was an unusual occurrence during that quiet morning, alarming enough to make Sergeant Ramirez immediately start running fast toward the abattoir. Jesus says he came out just in time to see Macasinag clambering up the wire fence and could recognize the man despite the poor light and the further fact that what he could have seen was the man's back and not his face as he was escaping away from the enclosure of the abattoir. And why was the man scaling the wire fence when there was an open gate not less than eight meters away?[16] Jesus says Macasinag probably did not want to be seen, but that was hardly a necessary precaution, considering that Macasinag, if the prosecution theory is to be accepted, did not mind being seen at all by Deocariza when he actually shot Matienzo to death. Moreover, Jesus says that only he went out of the abattoir when they heard the shot, which would mean that there were at the time no witnesses to fear who would see Macasinag fleeing by the gate.

It is no less remarkable that upon his return to the slaughterhouse, Jesus made no mention of the fleeing person nor did any one of the fourteen people inside ask him what he had seen outside. And most important of all, it never occurred to Jesus - considering the shot and the fleeing man - to see if his father, who was supposed to be sleeping nearby, was all right.

The physical evidence against the accused-appellant is also deficient and unconvincing. The gun supposedly used by the accused-appellant was never produced in evidence nor is there any showing that Macasinag had fired a gun at all.[17] The prosecution made much of the rubber shoes the gunman was supposed to have been wearing, but there were no footprints to connect Macasinag's own shoes to the killing. The prosecution simply said that the footprints had been obliterated.[18] The shoes themselves are not distinctive - they are just like any ordinary pair of rubber shoes worn by any number of persons. So too are the rest of Macasinag's attire. The red striped black T-shirt and the denim pants could have been used by any other man and cannot be related exclusively to Macasinag. Unless this was Macasinag's customary costume - and we find no proof of this - there is no reason to believe Ramirez's statement that he also recognized Macasinag by his attire.

The trial court might have been influenced by the killing of a prospective witness for the prosecution and the suspicion that the accused-appellant was responsible therefor. But he does not stand accused here of that offense. It is entirely irrelevant to this case no matter what sinister conjectures may be conjured against Macasinag.

It is possible that Macasinag did really kill Matienzo but the evidence of the prosecution is simply inadequate to warrant a conviction. Such conviction must be supported by proof beyond reasonable doubt, which is absent in this case. Even if it be supposed that the accused-appellant's alibi is not worthy of credence, the fact is that the evidence of the prosecution is much less so, with all its improbabilities and inconsistencies. This Court will not deprive a person of his liberty and stigmatize him as a killer as long as it is not morally certain he has indeed committed the crime.

The guilty must be punished, to be sure, but only if it is shown that they are guilty. There is no such showing here.

WHEREFORE, the decision of the trial court is REVERSED and the accused-appellant is ACQUITTED on reasonable doubt. No costs.

SO ORDERED.

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

- [1] Rollo, p. 2.
- [2] Decision, Rollo, p. 30.
- [3] Rollo, p. 16.
- [4] TSN, August 28, 1985, pp. 11-13; Rollo, p. 16.
- [5] TSN, August 23, 1985, pp. 57-59.
- [6] Ibid., pp. 60-65.
- [7] TSN, September 11, 1985, pp. 26-27.
- [8] Ibid., pp. 11-12.
- [9] TSN, August 21, 1985, p. 22.
- [10] Ibid., p. 25.
- [11] TSN, August 29, 1985, pp. 4-5.
- [12] TSN, August 23, 1985, p. 60.
- [13] TSN, August 28, 1985, p. 52.
- [14] TSN, September 11, 1985, pp. 1-2.
- [15] TSN, August 28, 1985, p. 28.
- [16] TSN, August 28, 1985, p. 36.
- [17] TSN, August 28, 1985, pp. 45-46.
- [18] TSN, August 26, 1985, pp. 43-45.

ABOUT BATAS.ORG

Study smarter at BATAS.org

The Philippine bar review and law-school companion built around how your brain actually remembers.

The complete Philippine law library - free for everyone.

More than 100,000 Supreme Court decisions, Republic Acts, and executive issuances - full-text searchable, browsable by category and year, and always free. No paywall, no login. This PDF came from it.

Audio case-brief lectures.

Any decision becomes a podcast-style lecture - facts, issues, ruling, and doctrine - with read-along highlighting and a hands-free presentation mode. Study while commuting, working out, or resting your eyes.

Bar review built on the science of memory.

Complete, sequenced courses for all eight bar subjects, narrated like podcasts and reinforced with retrieval practice and spaced review - the study techniques with the strongest evidence behind them.

The full law-school curriculum.

One subscription unlocks the entire J.D. curriculum - every subject, every lesson, with your progress tracked down to the paragraph so you can pick up exactly where you left off, on any device.

Mock exams that tell you where you stand.

Timed multiple-choice exams graded instantly, with per-subject score breakdowns and focus suggestions that point you at your weakest topics first.

A study planner that keeps you on pace.

Set your schedule and BATAS tells you every day whether you are on track for bar day - and exactly which lesson to take next.

Start free at <https://batas.org>

The law library is free forever - and your first lesson is one click away.

The text of this document is an official public record and remains in the public domain. Formatting, presentation, and compilation © 2026 batas.org.

Downloaded free from the batas.org Law Library. Share it freely - the library is free for every law student, bar reviewee, and practitioner.