

PEOPLE OF THE PHILIPPINES, PLAINTIFF-APPELLEE, VS. JUANITO ECAL @ “JUANING,” ACCUSED-APPELLANT.

G.R. No. 74633. July 18, 1991

Ponente: NARVASA, J.

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NARVASA, J.:

At about 4:30 o'clock in the morning of April 10, 1984, at Purok Malipayon, Cannery Site, Poblacion, Polomolok, South Cotababo, Raul Caspillo was shot in the neck with a .45 caliber pistol and instantly killed.[1] His neighbor, Juanito Ecal, was charged with the crime, categorized by the public prosecutor as murder. The indictment alleged that Ecal shot Raul Caspillo "with intent to kill and with evident premeditation and treachery." [2] Ecal having pleaded not guilty on arraignment, trial was thereafter had in due course.

On March 19, 1986, the Trial Judge[3] promulgated his judgment dated March 6, 1986.[4] The Judge found Ecal "guilty beyond reasonable doubt of the crime of Murder" and sentenced him "to suffer the penalty of Reclusion Perpetua." It is this judgment which Ecal now assails as erroneous before this Court.

The Trial Court's decision was based mainly on the testimony of the lone eyewitness, Emma Caspillo, the slain man's widow.

Emma Caspillo testified that at dawn on April 10, 1984, she and her husband, Raul, were walking from their home at Purok Malipayon towards the assembly area of their place of work at Dole Philippines; that as they were thus walking, her husband being ahead by about 2 1/2 meters, Juanito Ecal, their neighbor of some four years, suddenly passed her and shot her husband in the head with a hand gun; that instinctively she reached out and got hold of Ecal's jacket, turning him towards her, but immediately let go of the jacket when she saw Ecal point the gun at her; that Ecal thereupon fled, leaving his sandals in his haste to depart; that she placed the slippers beside her husband's body.

Emma further deposed that not long afterwards, Police Officers Herezo and Lemonsito came; that they asked her who had shot her husband and she told them it was Juanito Ecal and pointed to the sandals he had left when he ran away; that the policemen took Ecal's sandals and then proceeded with her, to Ecal's home; that finding Ecal there, the police officers arrested him and brought him to the Polomolok Police Station; and that at the station, when Ecal put on the rubber sandals at the investigators' request, the slippers were found to fit him.

Emma also testified that a month earlier, Juanito Ecal had become enraged when his daughter, Ermie, was accidentally hit and wounded in the forehead by a stone thrown at a dog by Emma's 13-year old son, Otelo; that threatening to hit Otelo in the head also, Ecal had forcibly dragged the boy to the Purok President, Romeo Fernandez, and the latter tried to settle the matter by having the Caspilllos agree to shoulder the expenses of Ermie's medical treatment at the Dole Hospital payable by "payroll deduction;" that subsequently another son of the Caspilllos, Jeffrey, quarreled with a daughter of the Ecals, and Juanito Ecal had again become angry, had gone to the Caspilllos' house and exchanged words with Emma, and had said, "Isang bala ka lang."

Emma's testimony regarding the wounding of Ermie Ecal and the proceedings before Purok President Fernandez was corroborated by the latter and Otelo Caspillo. Fernandez told the Court that Otelo, his father, Raul Caspillo, and Juanito Ecal had indeed gone to his house about the wound inflicted by Otelo on Juanito Ecal's daughter; that Juanito Ecal had said that if the matter could not be settled, he would also inflict a cut on Otelo's head.

Emma's testimony respecting the arrival of the police investigators at the scene, her identification of Ecal as her husband's killer, the finding of Ecal's slippers or sandals at the crime scene, and the arrest of Ecal at his home, was corroborated by Police Corporal Aurelio Herezo, Jr. of the Tupi Police Station.

Raul Caspillo's death was ascribed by Dr. Porferio Pasuelo, Rural Health Physician of Polomolok, who conducted a post mortem examination, to a gunshot wound which entered the decedent's neck, breaking and destroying the posterior occipital bone and uppermost cervical vertebrae.

It is appellant Ecal's postulation that grave error was committed by the Trial Court in failing "to consider the vital inconsistencies of the testimonies of the prosecution witnesses and (to have considered) instead ** the minor inconsistencies of the testimonies of the witnesses for the defense."

Rafael Badilles and Carlito Caleza gave evidence for the defense. Badilles declared that at about 4:40 o'clock in the morning on April 10, 1984, he, together with the Caspilllos and other Dole Plantation workers, were walking towards the plantation's assembly area (Station 1); that he heard a gunshot, and then saw Emma Caspillo shouting and running for help; that he asked her who shot her husband but she said she did not know; that Emma later saw him twice, on May 26 and again on June 3, 1984, trying to find out if he knew anything about the shooting. For his part, Caleza stated that on the day and at the time in question, he saw Raul Caspillo lying dead on the road and noted, by the illumination of his flashlight, that there was a bag beside him and that on his left foot was a rubber slipper with red strap and white sole.

Another defense witness, Diody Dasigao, stated that on the day and time in question, while he was drinking coffee in his house, he heard a gunshot; that he thereupon went out of the house and by the light on an electric post, saw Emma and three men running, and Emma was shouting, "Tabang! Tabang!" (Help! Help!); that he went down the road and saw Emma crying beside her dead husband, who was lying face down on the ground; that he observed that there was a pink slipper on one of the dead man's feet, the other being bare; that he did not see Ecal in that place at any time.

The appellant's wife, Clemeta Ecal, also gave evidence for the defense. She denied that the police officers had any rubber sandals or slippers with them when they came to invite her husband for questioning about Raul Caspillo's shooting, and that her husband desired to take revenge on the Caspilllos; and she acknowledged that the expenses for her child's injury (accidentally caused by Otelo Caspillo, *supra*) had been shouldered by Raul Caspillo thru deductions from his wages, and that she had asked several persons in their community to sign an attestation of her husband's good moral character.

The appellant himself took the stand in his behalf. He asserted that he was innocent of the crime; that on the day in question, after having stopped work at 4 o'clock in the morning, he had gone to his home at Londres Subdivision, arriving there thirty minutes later; that he had drunk some milk and went to bed; that he was awakened at 6:15 by his wife and was invited by police officers Herezo and Lemonsito to the Polomolok Police Station; that when he learned that he was suspected of the killing of Raul Caspillo he had asked the Municipal Trial Judge on April 11, 1984 to be subjected to a paraffin test but was told by the latter there was no police escort then available to accompany him to Davao City for the test; that he repeated the request some days afterwards and the Judge dictated an Order on April 17, 1984 that he be given a paraffin test at Davao City; that he was brought to the PC Crime Laboratory at Davao City only to be informed that the test was no longer possible because it was

valid only if made within three days from the time of shooting. He denied ever having appeared before Purok President Fernandez in relation to the wounding of his daughter by Raul Caspillo's son, or ever having said he would take revenge on the Caspilllos, or ever having quarreled with Raul.

The Trial Court pronounced the testimony of the widow Caspillo to be "credible and sound," observing that she had "answered the questions propounded ** by the prosecuting Fiscal and the defense counsel in a categorical, straightfoward, spontaneous and frank manner," and had "remained consistent, calm and cool even on cross-examination." The Court saw no reason to disbelieve her identification of the appellant as the person who shot her husband, and her declarations regarding the rubber slipper or sandals left by the accused in his flight, which were not only subsequently acknowledged by the latter's wife to belong to them, saying "Amo man na" (that is ours), but also to fit the feet of the accused. Moreover, her testimony was amply corroborated in its material aspects by other equally credible witnesses.

Neither did the Trial Court see any cause to refuse full credit to the evidence given by Police Corporal Herezo, particularly about the rubber slipper of the accused. Of him, the Trial Court said that he had "conducted himself as expected of an officer," and that he "did not have any ill-motive" to testify falsely against the appellant "and cause the damnation of one who neither brought him harm nor injury."

On the other hand, the Trial Judge came to the conclusion that defense witnesses Caliza and Dacegao (Dasigao) had "deliberately lied to protect their friend, accused Juanito Ecal, from punishment." They both testified that there was only one rubber slipper -- with "red straps and white sole" -- found on one of the victim's feet, obviously to disprove the theory that the rubber slippers with "red straps and white sole" found to fit Juanito Ecal's feet actually belonged to the deceased. That testimony was however found to be in stark contradiction to the photograph taken of the victim by Police Corporal Valencia shortly after the shooting, showing that the dead man still had both rubber slippers on, and the straps thereof were of beige ("flesh") color. His Honor also adjudged the denials of the appellant, described as "sarcastic and arrogant" while testifying in his behalf, to be inferior in credit to the evidence of the prosecution.

The defects attributed by the appellant to Emma Caspillo's testimony -- her failure to name the accused when she was shouting for help; and her failure to mention at the preliminary investigation certain facts later testified to by her in the Regional Trial Court, i.e., facts relative to the appellant's rubber slippers, and the proceedings before Purok President Fernandez anent the injury caused to a daughter of the Ecals by Otelo Caspillo[5] -- are in the premises naught but minor, insubstantial omissions. They are explainable by the peremptory or summary character of the preliminary investigation in a Municipal Trial Court as contrasted to the trial before the Regional Trial Court, not to mention the great emotional stress under which the declarant must have been laboring at the time. They are moreover rendered inconsequential by the full corroboration of those facts by the police officer and the purok president who gave evidence for the prosecution about those self-same facts of which they had personal knowledge.

The Court is satisfied of the objectivity and correctness of the Trial Judge's analysis and assessment of all the proofs on record, as well as the conclusions derived from said proofs. The Court is satisfied that the evidence presented before the Trial Court does in truth prove Juanito Ecal's guilt of the killing of Raul Caspillo, and that the killing was perpetrated with treachery, since it appears that the appellant had waited by the roadside for his victim to pass, and had then suddenly shot his victim from behind, without the latter's having any inkling whatever of any impending assault on his person and consequently having any opportunity to defend himself.

If His Honor's decision can be faulted at all, it is its omission to impose on the appellant the obligation to indemnify the heirs of the victim, Raul Caspillo. This omission the Court now supplies.

WHEREFORE, the Court AFFIRMS the judgment dated March 6, 1986, sentencing the appellant Juanito Ecal to suffer the penalty of reclusion perpetua, with the sole modification that the appellant is additionally ORDERED, in accordance with prevailing doctrine, to indemnify the heirs of Raul Caspillo in the sum of Fifty Thousand Pesos (P50,000.00). No costs.

SO ORDERED.

Cruz, Gancayco, Griño-Aquino, and Medialdea, JJ., concur.

[1] Rollo, p. 21

[2] Id., pp. 6 (xerox copy of Information dated June 29, 1984 signed by 2d Asst. Provincial Fiscal Francisco S. Ampig, Jr.), 18

[3] Hon. Manuel Luis S. Gumban, presiding over Branch 23, Regional Trial Court at General Santos City

[4] Rollo, pp. 18-29

[5] Id., pp. 117 et seq. (Appellant's Brief, pp. 3 et seq.)

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