

PEOPLE OF THE PHILIPPINES, PLAINTIFF-APPELLEE, VS. NOELITO MANZANARES, ACCUSED-APPELLANT.

G.R. No. 82696. September 08, 1989

Ponente: SARMIENTO, J.

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SARMIENTO, J.:

On March 1, 1985, an information was filed in the Regional Trial Court in Valenzuela, Metro Manila, charging Noelito Manzanares, together with two other persons, with the crime of murder committed as follows:

That on or about the 3rd day of January, 1985, in the municipality of Valenzuela, Metro Manila, Philippines, and within the jurisdiction of the Honorable Court, the said accused (Noelito) Joselito Manzanares, Alejandro alias Danding Manzanares and Danny Manalayon, conspiring and confederating together and helping one another, with intent to kill one Rolando Frias, did then and there, wilfully, unlawfully and feloniously with evident premeditation, abuse of superior strength and treachery, attack, assault, and stab with bladed weapons they were then provided, the said Rolando Frias, hitting the latter on the different parts of his body, thereby causing him serious physical injuries which directly caused his death.[1]

Of the three accused, only the appellant was apprehended and tried. The other two are still at-large.

After a plea of not guilty at the arraignment, trial commenced, and on September 9, 1987, a decision was rendered by the trial court convicting the appellant of the crime charged, the dispositive portion of which reads:

WHEREFORE, finding the accused Noelito Manzanares Guilty beyond reasonable doubt of the crime charged, the Court hereby sentences him to suffer the penalty of Reclusion Perpetua.

The accused is hereby ordered to pay the offended party the sum of P9,500.00 representing the expenses incurred by the complainant for her husband's internment and to indemnify the heirs of deceased Rolando Frias the sum of P30,000.00 (People vs. Dela Fuente, G.R. No. 63251-52, December 29, 1983).

SO ORDERED.[2]

Before us on appeal, the appellant raises the following assignment of errors:

I

THE TRIAL COURT GRAVELY ERRED IN GIVING FULL WEIGHT AND CREDENCE TO THE TESTIMONIES OF THE PROSECUTION WITNESSES AND IN DISREGARDING THE THEORY OF THE DEFENSE.

II

THE TRIAL COURT GRAVELY ERRED IN FINDING ACCUSED-APPELLANT NOELITO MANZANARES GUILTY BEYOND REASONABLE DOUBT OF THE CRIME OF MURDER DESPITE INSUFFICIENCY OF EVIDENCE.

The prosecution presented two alleged eyewitnesses to the crime. The first witness was the wife of the victim, Lydia Salvador Frias, who testified that on the evening of January 3, 1985, while she and her husband were standing side by side waiting for their passenger jeepney in front of the Libiran Furniture store along the MacArthur Highway in Malanday, Valenzuela, Metro Manila, the appellant, Noelito Manzanares, unsuspectingly approached her husband from the side, and without warning, suddenly stabbed him with a bladed weapon, hitting him on the left side of his body.[3] Immediately, Alejandro Manzanares and a certain Danny Manoloyon who were closely following the appellant, took turns in stabbing the victim several times more with a "balisong" and an "icepick," respectively, causing the latter to fall to the ground, where he was stabbed once more by Danny Manoloyon before they fled.[4]

As soon as the assailants left the scene, Lydia shouted for help and a certain Mr. Castro responded. Without any delay, Lydia and Mr. Castro brought the victim to the Fatima Hospital where he was pronounced dead on arrival.[5]

The second eyewitness, Vilma Bonacwa, substantially testified that at about 9:30 in the evening of January 3, 1985, she was at the street corner near the Kadiwa store where she intended to purchase some goods when she saw the victim, Rudy Frias, being chased by Danny Manoloyon and the appellant. The victim was caught near the Libiran Furniture Store where he was repeatedly stabbed by the appellant and Danny Manoloyon. As the victim fell to the ground, the perpetrators ran away. Vilma then reported the incident to the barangay authorities.

Dr. Alberto Reyes of the NBI medico-legal office testified that he performed the autopsy upon the body of the victim and found seven stab wounds. Two of them were fatal -- caused by bladed instruments that entered the right lobe of the Liver and punctured the pancreas.

The appellant denied any participation in the killing of the victim and interposed the defense of alibi, declaring that he was sleeping at his home located inside the ACA compound in Malanday, Valenzuela, Metro Manila at the time of the incident. He declared further that the following morning, after going through his normal routine, he went to work in Makati where he repairs watches.

The appellant insists that Lydia Frias testified falsely because she held a grudge against him. Their families, he says, were neighbors in the ACA compound. Sometime 1982 or 1983, he was engaged in a fist fight with Danny Frias, son of the victim and his wife, witness Lydia Frias. Since then, his family and the Friases were no longer on speaking terms.

Furthermore, the appellant would try to discredit witness Lydia Frias by declaring that the latter pressured him to point to Danilo Manoloyon as the assailant, and threatened to drag him into the case if he refused. Since he did not agree to her demand because he did not know Danilo Manoloyon personally, Lydia made good her threat to implicate him in the killing of her husband.

Likewise, the appellant rebuts the testimony of witness Vilma Bonacwa by saying that both of them had an argument in the past over his courtship of the wife of Vilma's brother.

After a thorough review of the records, we find the evidence for the prosecution sufficient to prove the guilt of the appellant beyond reasonable doubt.

The appellant argues that Lydia Frias could not have been present at the scene of the crime; that the only evidence of her presence is her own self-serving testimony.

We find this argument devoid of merit. Even if the appellant's family and the Friases had not been the best neighbors, the Court finds the animosities claimed by the appellant not enough to impel Lydia Frias to testify

falsely against the accused in the killing of her husband as to do so would mean letting the actual perpetrators go scotfree. Withal, Lydia Frias testified that the appellant is her neighbor as well as the godfather of her brother's son. Hence, with those interpersonal relationships, close in our culture, Lydia Frias would not prevaricate to implicate her "compadre" in so serious a crime as murder.

We also find the testimony of Mrs. Frias strongly corroborated by the testimony of the other prosecution witness, Vilma Bonacwa -- a disinterested party. The appellant and Danny Manoloyon were positively identified by these two witnesses who are all neighbors at the ACA compound and well known to each other. Recognition was easy because the killing scene was well lighted by the Libiran Furniture Store lights and Meralco streetlight nearby.

Well-settled is the rule that absent any credible evidence to prove the charge of bias and prejudice, it is presumed that the prosecution witnesses would not have imputed to the appellant the crime with which he was accused unless he was guilty thereof.[6] The absence of any evidence as to the existence of an improper motive sustains the conclusion that no such improper motive exists, and that the testimony of the witnesses, therefore, should be given full faith and credit.[7]

Additionally, the trial court stated that:

A careful study and a judicious evaluation of the testimonies for and against the accused, the Court is persuaded that the narration of the witnesses for the prosecution is the more credible story. (Sic) Not only did complainant appear convincing with her straight-forward answers, but hers was the more coherent and believable version. She had the support of a disinterested witness, Vilma Bonacwa, neighbor of both the complainant and accused. Complainant testified she saw accused Noelito stabbed (sic) her husband first then followed by accused Alejandro Manzanares and Danny Manaloyon. Witness Vilma Bonacwa stated that she saw Noelito Manzanares and Danny Manaloyon chased (sic) the victim; that they overtook him; that Danny Manaloyon stabbed the victim followed by Noelito Manzanares. They appeared and sounded credible and their credibility is reinforced by the fact that they had no reason to testify falsely against the accused.[8]

In view of the trial judge's vantage point which enables him to observe the witnesses' behavior during the trial, we held in *People vs. Otero*: [9]

After everything is said and done, we come back, as we invariably do in cases of this nature, to a recognition of the rule that the Supreme Court will not interfere with the judgment of the trial court in passing on the credibility of the opposing witnesses, unless there appears in the record some fact or circumstance of weight and influence, which has been overlooked or the significance of which has been misinterpreted.

The alleged inconsistencies in the testimonies of Mrs. Frias and Vilma Bonacwa refer only to minor matters which are not sufficient to blur or cast doubt on their straightforward attestations. Far from being badges of fraud and fabrication, the inconsistencies in their testimonies may in fact be justifiably considered as manifestations of the truthfulness on material points of the prosecution witnesses. These little deviations also confirm that the witnesses had not been rehearsed. The most candid witnesses may make mistakes sometimes but such honest lapses do not necessarily impair their intrinsic credibility.[10] In the case at bar what is important is that the witnesses positively identified the appellant as one of the assailants. Rather than discredit the testimonies of prosecution witnesses, discrepancies on minor details must be viewed as adding credence and veracity to such spontaneous testimonies.[11] As a matter of fact, complete uniformity in details would be a strong indication of untruthfulness and lack of spontaneity.[12]

Finally, the defense of the appellant, which is alibi, deserves little, if at all, consideration. To be believed, alibi must be supported by the most convincing evidence as it is an inherently weak though paradoxically volatile, if allowed to go unchecked, human argument that can be easily fabricated to suit the ends of those who seek its

recourse. Accordingly, we find the appellant's refuge in alibi as unavailing against the positive identification of the appellant by the witnesses.[13] Furthermore, when the appellant's alibi is supported only by the testimony of his mother, the alibi loses evidentiary weight.

Also, for the defense of alibi to prosper, it does not suffice to prove the whereabouts of the accused at the time the crime was committed; it must be undisputedly demonstrated that at the time of the commission of the crime, it was physically impossible for the suspect to have been at, or near, the scene of the crime.[14] In the present case, the appellant testified that he was, at the time of the incident, in a place within walking distance from the scene of the crime. Be that as it may, the most damning evidence against the accused-appellant stares us in the face: his positive identification, without an iota of doubt, by the prosecution witnesses as one of Frias' assailants.

A potent evidence as well against the accused- appellant is, as the Solicitor General proffers,[15] the circumstance of "flight," strongly indicating the appellant's consciousness of guilt, it being shown that the subpoena issued for his appearance at the preliminary investigation was returned unserved because he could not be located at his given address. In fact, it took the authorities from January 4, 1985 to April of the same year, five long months, to apprehend the appellant[16] -- even if his alleged co-perpetrators continued to remain at large.

The crime committed by the appellant is murder qualified by treachery. There is treachery when the offender commits any of the crimes against the person, employing means, methods, or forms in the execution thereof which tend directly and specially to insure its execution, without risk to himself arising from the defense which the offended party might make.[17] Here, the unarmed and unsuspecting victim was repeatedly stabbed by the three accused with bladed weapons. The mode of attack they employed posed no danger to themselves as there was no way Rolando Frias could have defended himself against the might and madness of his three armed attackers.

Obviously, there was also abuse of superior strength as the three armed accused ganged up on an unarmed victim. This fact, however, cannot be appreciated as an aggravating circumstance, absorbed as it is by treachery.

WHEREFORE, we find the appellant GUILTY beyond reasonable doubt of the crime of murder qualified by treachery. The decision[18] appealed from is hereby AFFIRMED in toto.

SO ORDERED.

Melencio-Herrera, (Chairman), Paras, Padilla, and Regalado, JJ., concur.

[1] Rollo, 2.

[2] Decision, 7; Rollo, 19; rendered by Judge Adriano R. Osorio.

[3] T.s.n., May 31, 1985, 4-8.

[4] Ibid., 8-9.

[5] Ibid.

[6] *People v. Retubado*, No. 58585, January 20, 1988, 162 SCRA 276, 284; *People vs. Ali*, L-18512, October 30, 1969, 29 SCRA 756.

[7] *Supra*.

[8] Decision, 4; Rollo, 16.

[9] 51 Phil. 201; People vs. Ganduma, G.R. No. 64507, April 25, 1988, 160 SCRA 799, 804.

[10] People vs. Cabato, No. L-37400, April 15, 1988.

[11] Aportadera vs. C.A., No. L-41368, March 16, 1988.

[12] People vs. Bazar, No. L-41829, June 27, 1988, 162 SCRA 609.

[13] People vs. Batac, G.R. No. 54500, January 29, 1988.

[14] People vs. Pineda, G.R. No. 72400, January 15, 1988.

[15] Brief for the Appellee, 14-15; Rollo, 40.

[16] T.s.n., June 24, 1987, 9-10.

[17] Revised Penal Code, Art. 14(16).

[18] In view of People vs. Millora, et al. (G.R. Nos. L-38968-70, February 9, 1989); the imposable penalty for murder, absent any modifying circumstance, is reclusion perpetua. That is the penalty imposed in the instant case. Notwithstanding my dissent in Millora, for the reason that our previous interpretation of Art. III, Sec. 19(1) of the 1987 Constitution was more favorable to the accused, I have to abide by the decision of the majority of my colleagues.

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