

PEOPLE OF THE PHILIPPINES, PLAINTIFF-APPELLEE, VS. EMILIO SADIANGABAY, ACCUSED-APPELLANT.

G.R. No. 87214. March 30, 1993

Ponente: CRUZ, J.

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CRUZ, J.:

The son had returned to the province looking for his father. His brother had died in the hospital, but the old man had not come. It seemed he had disappeared. An investigation was conducted and a search made. Finally, the scattered bones of a man were found in a cogon bush. By the denture of the dead person, the son identified his missing father.[1]

The victim was Feliciano Meregillano. The manner of his death was soon revealed. It was attributed to Emilio Sadiangabay, the herein accused-appellant.

The information filed against Sadiangabay was for robbery with homicide, committed with evident premeditation, grave abuse of confidence, superior strength, and despoblacto.[2] He disowned the crime at his arraignment. After trial, he was found guilty as charged and sentenced “to suffer the penalty of reclusion perpetua; to pay the heirs of the deceased the sum of One Thousand Six Hundred Pesos (P1,600.00) as actual damages, the sum of Thirty Thousand (P30,000.00) Pesos as and for the death of the victim, Feliciano Meregillano, and the further sum of Twenty Thousand (P20,000.00) Pesos as moral damages as well as to pay the costs.”[3]

The accused-appellant is now before us to challenge his conviction. He says that the trial judge erred in not giving more credence to his defense of alibi than to the evidence of the prosecution.

The evidence of the prosecution consisted mainly of the testimony of Raymundo Tabligan, who claimed to have witnessed the commission of the offense by Sadiangabay.

Tabligan testified that in the afternoon of March 9, 1980, he heard Feliciano Meregillano telling Sadiangabay that he would be leaving for Manila to visit his sick son. In his absence, the old man was entrusting his property to Sadiangabay.[4]

At about 5 o’clock the following morning, while he was taking a bath in the Malatgao River, he saw Meregillano and Sadiangabay walking by toward Barrio Narra-Narra. As he was going to the same place to gather “panot” (vine), he decided to follow them.[5]

Sadiangabay was carrying a bolo and Meregillano a black bag. After the two crossed the hanging bridge, Sadiangabay boxed the old man three times in the chest, rendering him unconscious. Sadiangabay then took him to a nearby bush and stabbed him twice with his bolo. The accused-appellant opened the bag and scattered its contents. He searched the victim’s body and took from it a small bundle of papers which he placed in his own pocket.[6]

All the while, Tabligan had concealed himself behind a coconut tree. After about twenty minutes, and believing

that Sadiangabay had walked away far enough, he left his hiding place and proceeded along the same route taken by Sadiangabay. Tabligan says he saw Sadiangabay washing his blooded bolo in the Iwahig River.[7]

Tabligan did not report the incident immediately. In fact, it was only 5 months later, when the bones of the victim were discovered and identified in late July of that year, that this witness came forward to denounce Sadiangabay.

Tabligan had more to say. He swore that about three days after the killing, Sadiangabay invited him to have a drink of gin with him. Tabligan accepted. During their conversation, Sadiangabay, who was already drunk, pulled out a wad of bills and said one could easily raise money if he had brains.[8] Later, when Tabligan pointed to the accused-appellant as the killer, the latter warned him that he would kill him after they left the police station.[9]

Pedro Caboteja, another prosecution witness, testified that when informed that the remains of Meregillano had been found, Sadiangabay remarked that he thought they had already been washed away by the flood.[10]

Sadiangabay's defense was alibi. He said that at 3 o'clock in the afternoon of March 9, 1980, he went to Brooke's Point with Ernesto Onarce and Romeo Bañas. The trip by boat took 6 hours and they arrived at 9 p.m. The following day, they spread their palay to dry, gathering it on March 13, 1980. It was only on March 14, 1980, that they were able to sell it to the National Grains Authority.[11]

Onarce and Bañas supported his alibi.[12] Thelma Balinton and Flora Ordillas declared that they saw Feliciano Meregillano on March 11, 1980, which was a market day in Barangay Sandoval.[13]

The appellant's brief faults the trial judge for giving credence to Tabligan notwithstanding that it took him four months to report the incident. There is a satisfactory explanation for this. Tabligan was afraid to be involved. He had seen how Sadiangabay could be violent when he killed the old man in cold blood. A witness would hesitate to denounce such a person for fear of retaliation.

The defense suggests that Tabligan's testimony was motivated by his grudge against the accused-appellant, to whom he had earlier lost a land case. That was a long time ago. Apparently, Tabligan and Sadiangabay had made up, as manifested by the incident three days after the killing when Sadiangabay invited his compadre to a drink and Tabligan accepted. At any rate, the alleged grudge, if it existed at all, has not weakened Tabligan's testimony, which the cross-examination failed to discredit.

It is also contended that the decision itself lacks credibility because the judge who wrote it had not heard the testimonies of the prosecution witnesses. This circumstance alone would not enfeeble his decision. After all, he had the full record before him, including the transcript of stenographic notes, which he could study. The efficacy of a decision is not necessarily impaired by the fact that its writer only took over from a colleague who had earlier presided at the trial.[14] Moreover, there is no clear showing of a grave abuse of discretion in the factual findings reached by him.

The defense of alibi is not convincing. Not only is it inherently weak; it is further debilitated by the positive identification of the accused-appellant. The witnesses who corroborated him are his close friends who, remarkably, remembered the minutest details of the alibi after more than four years. Perfect recall may not be a badge of candor but a ground for suspicion.

On the other hand, the alleged inconsistencies of the prosecution witnesses, which are only minor and do not diminish the essential veracity of other testimonies, may be the imperfections that recommend their credibility.

Regarding the alleged aggravating circumstance, we do not believe that evident premeditation has been sufficiently established. We agree, however, that the crime was committed with grave abuse of confidence, abuse

of superior strength, the victim being sickly and over 70 years of age, and in an uninhabited place.

In view of the said aggravating circumstances and there being no mitigating circumstance, the accused-appellant was correctly sentenced to serve the penalty of reclusion perpetua. The awards are also sustained except for the civil indemnity, which is increased to P50,000.00.

WHEREFORE, the appeal is DISMISSED, and the decision of the trial court is AFFIRMED as above modified, with costs against the accused-appellant.

SO ORDERED.

Griño-Aquino, Bellosillo, and Quiason, JJ., concur.

[1] TSN, July 17, 1984, pp. 17-18.

[2] Information, Records, p. 20.

[3] Decision, penned by Judge Angel R. Miclat, Rollo, p. 46.

[4] TSN, July 2, 1981, p. 8.

[5] Ibid., pp. 10-11.

[6] Id., pp. 12-16.

[7] Id., pp. 18-19.

[8] Id., p.23.

[9] Id., January 6, 1982, p. 9.

[10] Id., January 8, 1981, p. 30.

[11] Id., November 21, 1986, pp. 11-13.

[12] Id., September 19, 1985, pp. 4-12; December 11, 1985, pp. 2-7.

[13] Id., April 19, 1985, pp. 6-7; May 2, 1988, pp. 5-6.

[14] Ayco v. Fernandez, 195 SCRA 328.

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