

PEOPLE OF THE PHILIPPINES, PLAINTIFF-APPELLEE, VS. ANGELO ARCEO Y MALI, ACCUSED-APPELLANT.

G.R. No. 88324. July 06, 1990

Ponente: REGALADO, J.

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REGALADO, J.:

This appeal seeks to overturn the judgment of conviction rendered in Criminal Case No. 86-45584 of the Regional Trial Court of Manila on February 17, 1989,[1] with the following dispositive portion:

"WHEREFORE, the Court finds the two (2) accused, ANGELO ARCEO Y MALI and RAMIL CECILIO Y MARIANO, guilty beyond reasonable doubt of the crime of robbery with homicide; and hereby sentences them to suffer the penalty of reclusion perpetua with the accessory penalties provided for by law, less preventive period of their imprisonment; and adjudging them to pay jointly and severally the heirs of the deceased, Delfin Manalese, the amount of P30,000.00 for his death, without subsidiary imprisonment in case of insolvency and with costs against them.

SO ORDERED."

Accused-appellant Angelo Arceo, together with his co-accused Ramil Cecilio, were charged before the Regional Trial Court of Manila, Branch XI, with the crime of robbery with homicide, in an information which reads as follows:

"That on or about the 22nd day of May, 1986, in the City of Manila, Philippines, the said accused, conspiring and confederating together and mutually helping each other, did then and there wilfully, unlawfully and feloniously, with intent of gain and by means of force, violence and intimidation to wit: by suddenly grabbing and forcibly snatching from the wrist of one Delfin Manalese y Astor, take, steal and carry away one (1) wrist watch valued at P1,500.00 belonging to said Delfin Manalese y Astor against his will, to the damage and prejudice of said owner in the aforesaid sum of P1,500.00, Philippine Currency; that by reason of and on the occasion of the commission of the said crime of robbery, the said accused, did then and there wilfully, unlawfully and feloniously, with intent to kill, attack, assault and use personal violence upon the person of said Delfin Manalese y Astor, by then and there stabbing him on the chest with a bladed weapon, thereby inflicting upon the latter mortal wound which was the direct and immediate cause of his death thereafter.

CONTRARY TO LAW."[2]

Upon arraignment, both accused, assisted by counsel de oficio, pleaded not guilty to the crime charged. After trial on the merits, the court a quo rendered the aforesaid judgment finding both accused guilty beyond reasonable doubt of the crime of robbery with homicide. Only accused Angelo Arceo appealed from the judgment of conviction.

The trial court synthesized the evidence for the prosecution in this wise:

"1. ROLANDO CALADIAO, testified that he was a market porter and a resident of 346 P. Rada Street, Tondo, Manila; that on May 22, 1986, at around 8:00 o'clock in the evening he was on his way to the market in order

to report for work at the corner of Padre Rada and Camba Extension, Manila; while he was at the corner of Padre Rada Street and Camba Extension, he saw Delfin Manalese standing as if he is resting, two (2) persons approached Delfin. After approaching, the smaller one placed his arm on the shoulder of Delfin, who turned out to be Angelo Arceo. Thereafter, the two (2) persons forced (sic) to get the watch of Delfin. Delfin tried to free himself from the hold of the two persons in order to run away. Angelo at that time had a companion who turned out to be Ramil Cecilio. Angelo stabbed Delfin with a 'balisong' while Ramil was holding him (t.s.n., pp. 3, 4, 6, 7, & 8, hearing, October 23, 1986). Continuing, he declared that Angelo was able to get the watch of Delfin when Angelo stabbed Delfin (t.s.n., pp. 8-9, hearing, Oct. 23, 1986). At the time the accused approached the victim, he was then three (3) armlenght (sic). He brought the lifeless victim to Mary Johnston Hospital.

"Likewise, he asseverated that he recognized both accused Angelo and Ramil as he used to see them loitering at Maria Payo Street whenever he visited his friend Rodrigo Capwa who lived at P. Herrera Street. At the time of the incident he observed that Ramil and Angelo were under the influence of drugs as they were loitering in their place and that they were 'pasuray-suray' from side to side (t.s.n., p. 10, hearing, Nov. 26, 1986);

"2. MARCIAL CENIDO, testified that he was a medico-legal-officer of Western Police District; that he examined the cadaver of Delfin and the cause of his death. He recounted that on May 23, 1986 he autopsied the body of Delfin and conducted postmortem examination, his findings of which are reflected in Exh. 'E';

"3. PFC. AMADOR REGALADO of the Homicide Section of WPD declared that on May 22, 1986, a stabbing incident was reported to their office. Upon receiving that report, he inquired as to the identities of the alleged suspects and was told of the aliases of the two (2) suspects. Thereafter, he went to the house of the alleged suspects and invited them to the police headquarters to shed light on the reported stabbing incident. Likewise, persons who allegedly witnessed the incident were also invited for investigation.

"He testified that he was present at the time both the accused gave their statements before Pat. Trinidad;

"4. REYNALDO LIMPIN testified that in the evening of May 22, 1986, at around 8:00 o'clock he heard people shouting 'magnanakaw'. At this juncture, he moved towards the direction where the shouting came from and noticed two persons running in a hurry, one of them was holding a bladed weapon with traces of blood. He confronted them and asked them 'Ano iyong sumisigaw na magnanakaw?' and to which they answered 'Hindi sila' (t.s.n. p. 9, hearing of April 9, 1987).

"Testifying further, he identified his sworn statement (Exh. 'C') as part of his testimony. In addition, he asseverated that he was five (5) armlenght (sic) away from the victim. After the testimonies of the aforementioned witnesses, the prosecution offered Exhibits 'A' to 'E-1' and rested its case.[3]

The evidence for the defense was summarized as follows:

"1. ANGELO ARCEO Y MALI testified in his behalf and declared that he was a resident of 21 Marikina Maypajo, Caloocan City and asseverated that on May 22, 1986 at around 7:00 o'clock in the evening he was at Maypajo, he was then with his friends, Chito, Joseph, Robert, Pogi and Aling Felisa, singing. They started singing at 9:00 p.m. and finished at 10:00 o'clock in the evening. He further added that from 7:00 o'clock to 9:00 o'clock p.m. he was in Maypajo, conversing with his friend (t.s.n., p. 4, Hearing of Oct. 13, 1987).

"On cross-examination, Angelo testified that it would take him ten (10) minutes if he rides a jeep to reach Padre Rada, Manila, from Caloocan. He admitted that if he will take a taxi it will take the same number of minutes from Padre Rada, Manila. If he walks from Padre Rada, Manila to Caloocan, it will take him 1/2 hour to reach Caloocan (t.s.n., p. 5, hearing, Dec. 15, 1987).

"2. FELISA HERRERA, testified that she is 64 years old and residing at 21 Marikina, Maypajo, Caloocan City; that Angelo is her neighbor for three (3) years. On May 22, 1986, at around 6:00 o'clock in the evening, she was in their house together with Angelo, Bong, Chito, Joseph, Mando and Pogi, who were then singing.

"3. FORTUNATO ARCEO, likewise testified that in the evening of May 22, 1986 between 11:00 to 12:00 midnight, Pat. Regalado and his co-policemen went to his house and inquired about the whereabouts of Ramil as the latter was implicated in a killing incident. He told them that he has no son by the name of Ramil.

"The following morning, the policemen arrived and arrested his son, Fortunato Arceo, Jr. He admitted that he knew Ramil Cecilio who was living in the 6th house from their house.

"4. RAMIL CECILIO testified likewise in his behalf and declared that he is 28 years old, jobless and a resident of 415 Zabala Street, corner Balagtas, Tondo, Manila. He admitted that a certain policeman picked him up in his wife's house located at Sandico, corner P. Soriano, Tondo, Manila, on May 22, 1986 at around 8:00 o'clock in the evening (t.s.n., pp. 3 & 4, hearing, January 14, 1988).

"On cross-examination he testified that Sandico Street is eight (8) meters away from Camba Extension and to Padre Rada, if one is to walk from Sandico to Camba and Padre Rada streets, it will take ten (10) minutes to reach the place (t.s.n., p. 7, hearing, January 14, 1988).

"5. ANGELINA BUENSUCESO, testified that at about 7:30 in the evening of May 22, 1986, Ramil went to her house located at 1164 Asuncion Extension, Tondo, Manila, to attend to her mother's birthday. She further admitted that Ramil slept in their house and left at 12:00 o'clock noon the following day. After the testimony of Angelina Buensuceso, the defense rested its case without any documentary evidence."[4]

On rebuttal, the prosecution presented Danilo Manalese, brother of the victim. He recounted that on May 22, 1986, at about 8:00 o'clock in the evening while he was in his house at 989 Camba Extension, Tondo, Manila, he heard the victim shout twice "Nay, sinaksak po ako." He proceeded to the place where his brother was and the latter pointed to both accused as the ones responsible for the stabbing. He recognized both accused as the place was well lighted.[5]

The main thrust of the appeal is centered on credibility of the witnesses for the prosecution, appellant faulting them as follows:

1. Caladiao allegedly neither helped the victim nor could he have identified the perpetrators since he was in a state of shock; that because the place was crowded it was impossible to identify appellant as one of the perpetrators; that Caladiao was a neighbor of the victim; and that Caladiao, instead of using the fastest means of transportation, used a pushcart to bring the patient to the hospital.
2. Limpin supposedly contradicted Caladiao because the latter never testified that shouts of "magnanakaw" were heard; that he could not have inquired from appellant on what was happening since Limpin was not a person in authority or an agent thereof; and that Limpin was implicated in another stabbing incident thereby casting doubt on his credibility.
3. Pfc. Regalado, appellant claims, was likewise inconsistent in his testimony that he investigated the appellant in the morning and also in the afternoon.
4. Lastly, Delfin Manalese's testimony was allegedly inconsistent with that of Caladiao. Delfin Manalese stated that he heard his brother cry "Nay, sinaksak po ako" twice, while Caladiao testified that he heard the victim cry the same words once. Appellant further argues that Delfin could not have possibly heard his brother since his house was thirty meters away from the corner of Padre Rada St.[6]

It is an elementary rule that inconsistencies and contradictions referring to minor details do not destroy the credibility of witnesses.[7] Inconsistencies in the principal eyewitness' testimony which are details that do not impair the identification of the accused are not fatal. Witnesses who are in a state of surprise and fright cannot be expected to recall with accuracy or uniformity matters connected with the main overt act. Rather than discredit the

testimony of the witnesses, such discrepancies or minor details serve to add credence and veracity to their categorical, straightforward and spontaneous testimony.[8]

From an analysis of the testimony of the witnesses for the prosecution, it becomes readily apparent that the supposed errors involve minor matters which have no material bearing on the commission of the criminal act itself. Variances can be attributed to the fact that different persons have diverse impressions and perceptions of a startling event. On the other hand, the testimonies of two or more witnesses would be under a serious cloud of doubt if their declarations tallied in their minutest details, for then, that would not be natural. That would indicate that the testimonies were rehearsed.[9]

Furthermore, the trial court categorically observed that "(t)he testimony of subject witness is clear, direct, spontaneous and therefore deserves credence. The witnesses testified in a straightforward manner, sincere and candid in answering questions propounded during the direct examination as well as in the cross-examination. They have no motive to testify falsely against the accused." [10]

We, therefore, find no reason to depart from the cardinal principle that the findings of the trial court on the matter of credibility should not be disturbed on appeal due to its superior advantage in observing the conduct and demeanor of the witnesses while testifying, unless some facts or circumstances may have been overlooked that may affect the result of the case.[11] The findings of the trial court carry great weight because they have the privilege of examining the deportment and demeanor of witnesses, and, therefore, can discern if such witnesses are telling the truth or not.[12]

Furthermore, we are convinced beyond reasonable doubt, on the basis alone of the testimony of eyewitness Rolando Caladiao, that both accused actually committed the crime charged. Caladiao's lone but credible testimony is, to our mind, sufficient to support a conviction. Hence, even in the absence of corroborating testimony, the accused can validly be convicted on the basis of the positive identification by Caladiao.

Appellant tries to impeach Limpin by adverting to the latter's being one of the respondents in a case for frustrated murder in I.S. No. 85-13602 of the Office of the City Fiscal of Manila. It should be noted, however, that in order to affect the credibility of a witness by the mere fact that he was charged with an offense, previous conviction by final judgment is required,[13] and the existence of a pending information may not be shown to impeach the witness.[14] With more reason, therefore, should Limpin not be discredited merely on the basis of a complaint filed with the city fiscal, there being no showing that an information has been filed in court and that judgment has been rendered convicting him of the offense.

The defense of appellant hinges primarily on alibi which, as we have repeatedly declared, is one of the weakest defenses that may be invoked by an accused. We rule once again that for this defense to prosper, it is not enough to prove that the accused was somewhere when the crime was committed but that he must also demonstrate that it was physically impossible for him to have been at the scene of the crime. It cannot prevail over the positive identification of the prosecution witnesses. It is an issue of fact that hinges on the credibility of the witnesses who seek to establish it.[15] It has been held that no physical impossibility exists where the distance between the scene of the crime and the place where the accused allegedly was at that time would take only fifteen to twenty minutes to negotiate by jeep,[16] or where it can be traversed by walking in one and a half hours,[17] or where the places involved are only two hundred meters apart.[18]

That it could not have been physically impossible for accused Arceo to be at the scene of the crime is evident from his own testimony to the effect that it would take him ten minutes if he rides a jeep to reach Padre Rada, Manila, from Caloocan; that it would take him the same number of minutes if he takes a taxi; and that if he walks from Padre Rada, it would take him half an hour to reach Caloocan.

Alibi, we have consistently held, cannot prevail over the positive identification of the accused. Even if, admittedly, the eyewitness had seen the malefactors for the first time at the time of the killing, it does not necessarily follow that he could not have recognized their faces. Persons observing a startling occurrence would strive to know the ones involved, especially in a case where the victim is known to the eyewitness.[19] Perforce, there is no merit in the allegation of appellant that he could not have been identified by Caladiao who, at that time, was supposedly in a state of shock.

There is no reason to doubt the testimony of Caladiao who has positively identified the perpetrators of the crime, it appearing that the place of the incident was well lighted and the witness was at a distance of about three arm's length. These facts are sufficient to exclude any doubt in the identification of the accused. Furthermore, the witness actually saw appellant stab the victim on the chest. That the victim sustained a stab wound on the chest was confirmed by the medico-legal officer, Dr. Marcial Cenido, who conducted an autopsy on the body of the victim. It was also shown that this single stab wound was fatal, thereby causing the immediate death of the victim.

The proven circumstances attendant to the crime indubitably establish that accused Arceo and Cecilio conspired to commit the crime as shown by their coordinated acts directed to ensure the accomplishment of their evil designs. The act of one accused in holding the victim from behind when the latter was stabbed by his co-accused is a positive act towards the realization of a common criminal intent, although the intent can be classified as instantaneous. It can be safely assumed that had not the first accused held both arms of the victim from behind, the latter could have parried the thrust or even run away from his assailant. By immobilizing the two hands of the victim from behind, and although there was no anterior conspiracy, the two accused showed unity of criminal purpose and intent immediately before the actual stabbing.[20]

WHEREFORE, the judgment appealed from is hereby AFFIRMED in toto.

SO ORDERED.

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

[1] Per Judge Manuel E. Yuzon: Rollo, 29.

[2] Rollo, 4.

[3] Ibid., 21-22.

[4] Ibid., 22-23.

[5] TSN, January 28, 1988, 7-8.

[6] Brief for the Appellee, 9-10.

[7] People vs. De las Pinas, et al, 141 SCRA 379 (1986).

[8] People vs. Espinosa, etc., 141 SCRA 110 (1986).

[9] People vs. Ferrera, 151 SCRA 113 (1987).

[10] Rollo, 27.

[11] People vs. Yagong, G.R. No. 77088, January 29, 1990.

[12] People vs. Ramilo, 147 SCRA 102 (1987).

- [13] Sec. 11, Rule 132, Rules of Court.
- [14] Francisco, Rules of Court, Vol. VII, 1973 Ed., 688.
- [15] People vs. Coronado, et al., 145 SCRA 250 (1986).
- [16] People vs. Temblor, etc., 161 SCRA 623 (1988).
- [17] People vs. Ausan, etc., 152 SCRA 52 (1987).
- [18] People vs. Reyes, 166 SCRA 483 (1988).
- [19] People vs. Encipido, et al., 146 SCRA 478 (1986).
- [20] People vs. Montealegre, 161 SCRA 700 (1988).

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