

PEOPLE OF THE PHILIPPINES, PLAINTIFF-APPELLEE, VS. CATALINO LORIODA Y HERBACIO ALIAS “LINO,” IGMEDIO MORTERA ALIAS “ABAT,” ALEJANDRO AGUILAR ALIAS “CANDRO,” AND LORENZO VINLUAN ...

G.R. No. 93240. January 22, 1993

Ponente: CRUZ, J.

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CRUZ, J.:

In the morning of September 27, 1987, Antonio Domingo was riding a bicycle along a deserted road in Barangay Coliling in Rosales, Pangasinan, when he was waylaid by a group of six men who hacked his head with a bolo and inflicted several stab wounds on his body, thus causing his death. The six men then left, apparently unaware that they had been observed.

On February 23, 1988, an information for the murder of Domingo was filed against Catalino Lorida, Igmedio Mortera, Alejandro Aguilar, Lorenzo Vinluan, Proceso Ancheta, and Lorenzo Marzan in the Regional Trial Court of Rosales, Pangasinan. Ancheta and Marzan could not be arraigned because they remained at large. The other four accused all pleaded not guilty.

At the trial, the prosecution presented Romeo Oganiza, who claimed to have witnessed the killing. He said that he and Florencio Javien were on their way to fetch Domingo when they saw the accused intercept him. Oganiza says he and Javien hid in a ditch some thirty meters away and they saw how Domingo was attacked and killed.[1]

Oganiza described the killing thus: Mortera seized Domingo's right arm and twisted it backward. Lorida restrained him with both hands as Aguilar pulled the bolo from the victim's sheath and hacked him on the forehead. Lorida, Vinluan, Marzan and Ancheta then took turns in stabbing Domingo. The stricken man was able to free himself but slumped dead after walking away about ten meters.[2]

Oganiza says that he and Javien immediately proceeded to the police station in Rosales, Pangasinan, to report the killing. Sgt. Valeriano Otoman, however, refused to take their sworn statements and record the names of the killers in the police blotter. Because of this, they went to the 151st PC Company in Tayug, Pangasinan, where their sworn statements were taken by T/Sgt. Danilo R. Pascua.[3]

Oganiza adds that after the killing, he was harassed and threatened by the Rosales police and was consequently forced to transfer his residence to Simon, Pangasinan.

For their part, the four accused pleaded the defense of alibi.

Mortera and Aguilar testified that at about 6 o'clock in the morning of September 27, 1987, they left Barangay Coliling for Villasis, Pangasinan, arriving there at 6:45 a.m. They went to the house of Rafael Bascos, from whom they borrowed money, and left at 7 a.m.. They were back at 7:30 a.m. in Rosales, where they had coffee with Sgt. Otoman at the Virgie's Canteen, staying there until 9 a.m.[4] This alibi was corroborated by Bascos, Otoman and

Lilia Darimbang, the owner of the canteen.[5]

Lorioda and Vinluan, for their part, said that in the morning in question, they were at the wake of Mamerto Advento in Rosales from 7 o'clock and later attended his burial, returning therefrom at about 11 o'clock.[6] This alibi was corroborated by Adriano Javien.[7]

In his decision dated April 19, 1990, Judge Manuel D. Victorio found all the four accused guilty as charged. They were sentenced to serve the penalty of reclusion perpetua and to indemnify the heirs of the victim in the amount of P30,000.00.

The accused-appellants now argue that the trial court erred in relying on the uncorroborated testimony of Oganiza and in not giving credence to their defense of alibi. The issue they raise is one of credibility. We are asked to declare that, as between the witnesses for the prosecution and the witnesses for the defense, it is the latter who are telling the truth.

The settled policy is that the factual findings of the lower court are entitled to much respect from the reviewing court and shall not be disturbed on appeal except where they are plainly shown to have been reached arbitrarily or in disregard of issues essential to the correct resolution of the case.[8]

The trial court has a decided advantage over the appellate court in the assessment of the credibility of the witnesses. The latter may go only over the sterile record, which shows little of how the witness deposed himself on the stand. The trial court has firsthand knowledge of this matter, being able to observe the manner of his testimony and to detect the tell-tale signs that will brand him either as a liar or as a person bound by his oath to tell the truth. There are many of these signs. The trial judge is adept in recognizing them and is thus able to draw the line between the true narration and the plain fabrication.

It is for this reason that we are not inclined to reverse the findings of Judge Victorio in support of the prosecution; particularly of its eyewitness, who was described in the decision as "candid and spontaneous in his declarations." He could easily identify the accused because they were residents of the same barangay. The trial court found his testimony to be "credible, unbiased and untainted with prejudice." It also observed that he had no improper motive to falsely testify against the accused.

Otoman swore that Oganiza could not tell him the names of Domingo's attackers, which is why they were not recorded in the police blotter. If this were true, there would have been no need at all for Oganiza to report the incident also to the 151st PC Company in Tayug, Pangasinan, where his sworn statement (and that of Florencio Javien) was readily taken. He did this on the very same day after his report was rejected by Otoman.

It would appear that Otoman was reluctant to take any action against the accused as there is no showing that he conducted any investigation of the killing after it was reported to him by Oganiza. On the contrary, Otoman testified in favor of Mortera and Aguilar to corroborate their alibi and also executed a sworn statement for the same purpose.[9]

Further proof of Oganiza's credibility was demonstrated when, on motion of the defense, the trial court viewed the scene of the crime and the ditch where Oganiza claimed to have witnessed the attack on Domingo. Judge Victorio was satisfied that Oganiza and Javien could clearly see the killing from their hidden vantage point.

The fact that Oganiza's testimony was not corroborated did not render it invalid. Such testimony could stand alone because it was intrinsically credible, let alone the absence of a showing that it was improperly or maliciously motivated.

The alibi offered by the accused is, by contrast, far from convincing. While in Villasis, Mortera and Aguilar could

have easily gone to Rosales, the scene of the crime, which is only a few kilometers away. Lorida and Vinluan were actually in Rosales at the time of the crime, allegedly attending the wake and burial of a townmate. Moreover, the corroborating witnesses of the four accused are decidedly biased and appear to have perjured themselves in support of their friends.

Motive is not an essential element of murder and so did not have to be proved by the prosecution. It is not for this Court to probe the minds of the accused to discover their reason for killing Domingo. At any rate, we have held that "positive identification by an eyewitness has such strong prosecutory value that motive may be ignored altogether. Moreover, lack of motive does not preclude conviction when the crime and the participation of the accused-appellants are definitely established." [10]

Their concerted attack on Domingo, for whom they were obviously lying in wait that morning, clearly shows that there was a conspiracy among the accused to kill him. All of them acted in pursuance of that common design and so must all be held equally liable for the consequences of their act.

The evidence of the prosecution has overcome the constitutional presumption of innocence and established the guilt of the accused-appellants beyond reasonable doubt. We agree with the trial court that all four of them, in conspiracy with each other, attacked and killed Antonio Domingo in the morning of September 27, 1987, and are therefore guilty of murder, qualified by abuse of superior strength. As there are no generic aggravating or mitigating circumstance, the imposable penalty is reclusion perpetua. It is entirely deserved.

ACCORDINGLY, the appealed decision is AFFIRMED, with the modification that the civil indemnity is hereby increased to P50,000.00, conformably to present policy. It is so ordered.

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

[1] TSN, November 27, 1989, pp. 4-6, 11.

[2] Ibid., pp. 7-8, 10, 31.

[3] Id., pp. 12-13; Exhibit "A."

[4] TSN, January 24, 1990, pp. 5-8, 29-32.

[5] TSN, February 6, 1990, pp. 4-6; January 29, 1990, pp. 5-8; January 30, 1990, pp. 13-14.

[6] TSN, January 24, 1990, pp. 48-51; January 29, 1990, pp. 3-5.

[7] TSN, February 1, 1990, pp. 4-6.

[8] *People v. Lee*, 204 SCRA 900 (1991); *People v. Catubig*, 195 SCRA 505 (1991).

[9] Exhibit "3."

[10] *People v. Laureta*, 95 SCRA 166 (1980); *People v. Sanchez*, 199 SCRA 414 (1991); *People v. Belibet*, 199 SCRA 587 (1991).

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