

**THE PEOPLE OF THE PHILIPPINES, PLAINTIFF-APPELLEE, VS.
HERMAN RECEPTION AND WILLIAM RECEPTION,
DEFENDANTS-APPELLANTS.**

G.R. No. 94127. July 01, 1991

Ponente: GUTIERREZ, JR., J.

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GUTIERREZ, JR., J.:

This is an appeal from the decision of the Regional Trial Court of San Jose, Occidental Mindoro, Branch 45, the dispositive portion of which reads:

"WHEREFORE, in view of the foregoing considerations, the Court finds the accused Herman Reception and William Reception GUILTY beyond reasonable doubt of the crime of "Robbery With Homicide" and hereby sentences each of them to suffer the penalty of reclusion perpetua, with the accessories provided by law; to indemnify jointly and severally the heirs of the deceased Edgardo Baiza the sum of P30,000.00, as well as to pay jointly, and severally the said spouses Mario and Leticia Baiza the additional sum of P20,161.15 - without subsidiary imprisonment in case of insolvency." (Rollo, p. 27)

The information filed against Herman Reception and William Reception states:

"That on or about the 8th day of September, 1989 at around 7:30 o'clock in the evening, in Sitio Toong, Barangay Poblacion, Municipality of Magsaysay, Province of Occidental Mindoro, Philippines, and within the jurisdiction of this Honorable Court, the accused, being then armed with firearms and with intent to gain, conspiring and confederating together and helping one another, did then and there willfully, unlawfully and feloniously, by means of force and violence against person take, steal and carry away without the consent of the owner thereof, the following properties, to wit:

Cash money P 5,000.00

2-Seiko wrist watch 1,500.00

1-Salinity 4,000.00

1-bolo 100.00

various items 1,000.00

P11,600.00

belonging to Mario Baeza (sic) to the damage and prejudice of the latter in the amount of Eleven Thousand Six Hundred Pesos (P11,600.00), Philippine Currency, and by reason of or on the occasion of the said robbery and for the purpose of enabling them to take, steal and carry away the articles mentioned above, the accused pursuant to the aforesaid conspiracy, did then and there willfully, unlawfully and feloniously, with intent to kill, treacherously attack, assault and shoot Eddie Baesa (sic), Mario Baesa and Letecia Tolentino (sic) thereby inflicting upon Eddie Baesa serious wound which caused his death and upon said Mario Baesa and Letecia Tolentino serious wounds, thus performing all the acts of execution which ordinarily would have produced the

death of the said Mario Baesa and Letecia Tolentino as a consequence without, however, producing said crime by reason of cause independent of the will of the accused, that is, the timely and able medical assistance rendered to said Mario Baesa and Letecia Tolentino which prevented their death.

"That as a consequence of the unlawful acts of the accused, the heirs of Eddie Baesa, and the said Mario Baesa and Letecia Tolentino suffered actual, moral, compensatory damages, and for which they should be indemnified in the amount that this Honorable Court may deem just and proper." (Rollo, p. 6-7)

The evidence for the prosecution, and upon which the trial court based its decision are as follows:

"According to the prosecution, on September 8, 1989, at around 7:30 o'clock in the evening, in Sitio Toong, Poblacion of Magsaysay, Occidental Mindoro, the spouses Mario Baiza and Leticia Baiza, together with their five (5) children, namely: Rowena, Edgardo, Romeo, Marlon and Marissa, were all in their house thereat which is located within the fishpond owned by Cherie Atienza, having finished their supper, and Mario Baiza was taking a rest while his wife and children were having fun, when suddenly they heard knockings at their door. Their son, Edgardo Baize, then 19 years old, opened the door. The two (2) persons in fatigue uniforms appeared. One was fair-complexioned and wearing slippers, while the dark-complexioned one was wearing shoes - and without hats. The fair complexioned one (who was later on identified to be Herman Reception) poked a gun, a short one, at Edgardo Baiza. Edgardo then called his father, Mario Baiza, that there were two (2) persons who arrived. Mario Baiza approached them, and when the former came near the door, the other one who was dark-complexioned (and later on identified to be William Reception) poked his gun, also a short one, at Mario Baiza. They were all herded inside the room by the brothers accused. William Reception put out the light and then asked Mario Baiza about a .45 caliber gun and a carbine which they (William and Herman) were informed that the latter was keeping and who, in turn, replied that he had none. The two accused then ransacked the house and the aparador. Finding nothing, the two accused took their money, wrist watch, the salinity (an instrument used in prawn culture), bolo, and other items - with a total estimated value of P11,600.00. William Reception then hit Mario Baize with the gun on the head. The two accused then took Edgardo Baiza and telling that they would bring him to the Barracks because they were Rangers. However, after a few minutes, the household heard a gunshot. Mario Baiza and his wife, Leticia Baiza, ran to the place where the shot came from - which was around 100 meters away from their house - and then and there saw their son, Edgardo Baiza, lying on the ground full of blood. They sensed the two accused to be still there, but were hiding. Suddenly, a shot was fired at them, hitting Mario Baiza on his right arm and, likewise, hit Leticia Baize on the buttocks. Thereafter, the two accused, who were still hiding and about one (1) meter away from them, ordered them (spouses) to bring their son home. The voices which the spouses heard resembled those of the accused. The spouses brought their son Edgardo home and then to the Zapanta Hospital in the Poblacion of San Jose, Occidental Mindoro, where he (Edgardo) was treated, but later on died. The spouses, Mario and Leticia Baiza, were also treated in the said hospital for which they spent P3,561.15 (Exh. "5"). Leticia Baiza was, thereafter, brought to Manila for further treatment in the Makati Medical Center, Makati, Metro Manila, where she was confined and treated by Dr. Romy Estrellado, thereby spending another sum of P5,000.00." (p. 20- 21, Rollo)

On the other hand, the version of the appellants is summarized in their brief as follows:

"In the evening of September 8, 1989 at about seven o'clock, there was a birthday celebration for the daughter of Marilyn Reception at the house of Arturo Reyes, brother-in-law of the Receptions at Sitio Toong, Poblacion, Magsaysay, Occidental Mindoro. The birthday celebration was attended to by Pablo Santiago and Roman Santiago who conducted prayer meeting inside the house before the birthday celebration. The prayer meeting was attended by the two accused and some others who were either relatives of the Receptions. The two accused did not leave the house from the start of the prayer meeting at 7:00 p.m., until the party ended at about 10:00 o'clock in the evening. During the celebration, the two accused joined the singing fun. While Roman Santiago was urinating outside the house, he heard gunshot coming from the direction of the fishpond of the Cuballa but he did not pay attention to it as it is very common happening at the said fishpond.

"The two accused slept ahead of Susan Reception during that night. Susan Reception saw the two accused already asleep when she finally went upstairs to sleep at the adjacent room at about 11:00 o'clock. The distance of the house where the accused were from the house of the Baiza is about one (1) kilometer.

"At about 6:00 o'clock in the morning, the two accused woke up and fetched water for use by Susan Reception who cooked very early so that her two brothers could eat first before proceeding to the farm to weed the palay of Arturo Reyes. Even after eating lunch, the two accused slept inside the house for about two hours. Thereafter, they again returned to the farm and continued weeding and cleaning the rice paddies up to about 5:00 o'clock when they finally went home. While at home and preparing themselves to visit Eddie Baiza whom they came to know was already dead, some policemen, one of them identified as Lucio Fronda and CAFGUs together with Rodrigo Santiago arrived at their place. The two accused were surprised and resented to the invitation but in view of the promise of Rodrigo Santiago who is the Chairman in Sitio Toong, and only after about twenty minutes of persuasion, the two accused went with the policemen to the Police Station of Magsaysay against their will.

"Investigation was conducted by Cpl. Lucio Fronda on the persons of the accused. The two accused denied any knowledge and/or participation on the robbery and the killing of Eddie Baiza. At about 6:00 o'clock in the evening of September 9, 1989, Mario Baiza and Marlon Baiza who were fetched from their house arrived at the Police Station purposely to make identification of the two accused. The two accused were brought at the messhall of the PC Detachment which is adjacent to the Police Station where bright light was put on. Cpl. Lucia Fronda asked the boy Marlon Baiza whether the two accused were the ones who entered their house but the boy did not say anything even after Cpl. Fronda repeatedly asked him to identify the accused for a period of about fifteen to twenty minutes. For failure of the boy to identify the two, the father, Mario Baiza who was present during the entire identification and who even insisted his son to identify the two accused, told Cpl. Fronda to let the boy go home and the identification be continued the following morning.

"Thereafter, the two accused were put in jail without any warrant of arrest. The following day, the statements of Marlon Baiza and Mario Baiza were taken. Marlon Baiza accompanied by Cpl. Lucia Fronda inside the Jail where the accused were placed, readily pointed to the two accused as the robbers, without any hesitation. (T.S.N., March 21, 1990, pp. 1-14; T.S.N., March 27, 1990, pp. 1-12)" (Rollo, pp. 46-48)

The appellants raise a lone assignment of error, viz:

THE LOWER COURT GRAVELY ERRED IN CONVICTING ACCUSED-APPELLANTS OF THE CRIMES OF ROBBERY WITH HOMICIDE AND FRUSTRATED HOMICIDE DESPITE THE FAILURE OF THE PROSECUTION TO PROVE THEIR GUILT BEYOND REASONABLE DOUBT.

The appellants claim that the prosecution failed to establish the identities of the culprits of the crime. They cite the testimonies of the witnesses, specifically that of Mario Baeza, the father of the victim, as full of untruthfulness and inconsistencies.

They stress the testimonies of both Mario Baeza and Marlon Baeza (younger brother of the deceased), in that, both testified that they came to know the names of the appellants only in court and not previously. The argument seems to posit the view that the identities of the appellants were only discovered during the court proceedings below.

A further allegation is based on a particular testimony of Mario Baeza. Appellants claim that he gave inconsistent statements, viz:

"Mario Baeza claimed that he recognized the two accused as the persons who entered their house on that evening of September 8, 1989 because he had known the two accused for five months already before September 8, 1989, aside from the fact that there was a time when even met the accused on the way. But when pressed further during cross-examinations, he admitted that there was no occasion that he ever saw or met

either of the two accused before September 8, 1989." (Rollo, p. 49)

We are not convinced.

It is a well-settled principle in law that discrepancies in minor details do not impair the credibility of the testimony of a witness. (People v. Resayaga, 54 SCRA 350 [1973]; People v. Sanchez, G.R. No. 89407, December 21, 1990)

In the course of a prolonged direct examination, more so, during cross-examination, the witness is usually subjected to unfriendly questioning. As a result, it is usually the case that the witness, uncomfortable and fidgety in a courtroom scene, may often fall into lapses. It is not infrequent for a witness to make minor mistakes in his narration of facts; the intimidating presence of the opposing counsel coupled by the verbose and misleading manner of questioning are factors determinant of these inconsistencies.

Testimony, on the other hand, which is presented in a strait-laced fashion deserves little credence or none at all. The imperfect memory of man belies testimony presented with utmost accuracy even as to the minutest of details.

The technique in deciphering testimony is not to solely concentrate on isolated parts of that testimony. The correct meaning of the testimony can often be ascertained only upon a perusal of the entire testimony. In other words, everything stated by the witness has to be considered in relation to what else has been stated.

The appellants emphatically refer to this Court the particular testimony of Mario Baeza that there was no occasion before the date of the commission of the crime that he met the appellants. On this ground, they seek a reversal of the judgment of conviction.

We have previously mentioned that witnesses sometimes get confused and rattled during an adversarial and protracted cross-examination. A reading of the records shows that we can attribute the reasons for the alleged inconsistencies in the testimony of Mario Baeza to this factor.

In other parts of the testimony of Mario Baeza, he categorically declared that he is familiar with the faces of the appellants because previous to the commission of the crime he has "met them (appellants) along the way." (TSN, March 8, 1990, Mario Baeza, p. 23)

This particular declaration was thereafter, reiterated by Mario when Judge Restituto L. Aguila himself asked clarificatory questions regarding certain points of his testimony, viz:

"Q. How come that you were able to see them on the way?

A. Because I used to walk along the street passing by and once in a while I saw them.

Q. And these (2) persons that you saw and met on the way, are the two (2) persons who are now here in Court?

A. Yes, Your Honor.

Q. Why did you say so?

A. Because when they entered our house, Your Honor, I already recognized their faces." (TSN, Mario Baeza, March 8, 1990, p. 38)

The testimony of Mario Baeza does not sound improbable. The opportunity for him to meet the appellants, on the streets of the municipality is not far-fetched for they are actually part of the same neighborhood within the municipality. The distance between their respective houses is only 500 meters. Familiarity with each others faces in this provincial town is not very unlikely.

The appellants' claim that the witnesses were not aware of the names of the appellants, and only when the case

was heard by the court a quo did the witnesses come to know of their names. It is the appellants' view that the identities of the malefactors of a crime can be established only if the witnesses know the names of the malefactors.

This is puerile reasoning. Identification of a person is not established solely through knowledge of the name of that person. Familiarity with the physical features, particularly those of the face, is actually the best way to identify the person.

We believe Mario Baeza's statement that he actually recognized the appellants as the culprits of the crime. His familiarity with the faces of the appellants gains credence if we consider that they are almost neighbors and only 500 meters separate their respective houses. It matters not if Mario Baeza did not know their names. In the natural course of things, it is sometimes possible for one not to ask a neighbor his name, when he meets him on the street. They may merely nod or smile at each other. One may be familiar with the face but not necessarily the name. It does not follow therefore, that to be able to identify a person, one must first know his name.

The identities of the appellants were corroborated by Marlon Baeza, the 9 year old brother of the victim.

In his testimony, Marlon Baeza declared that he recognized the appellants as the same persons who stormed into their house, robbed them, and killed his brother, for the reason that at one time before the commission of the crime, he had met the appellants when his brother, Eddie Baeza visited the appellants' sister in their house, viz:

Q. You said that there are two persons who entered your house, did you recognize these two persons who knocked at your door?

A. Yes, sir.

Q. How did you recognize them?

A. I recognized them because there was a time that I visited their house." (TSN, Marlon Baeza, March 9, 1990, pp. 5-6)

The testimony of a boy, 9 years of age, deserves utmost credibility. In *People v. Bustos* (45 Phil. 9 [1923]), we declared:

"An intelligent boy is undoubtedly the best observer to be found. The world begins to take him by storm with its thousand matters of interests; xxx he has already got some principles; lying is distasteful to him, because he thinks it mean; he is no stranger to the sentiment of self-respect, and he never loses an opportunity of being right in what he affirms. Thus he is, as a rule, but little influenced by the suggestions of others, and he describes objects and occurrences as he has really seen them. We say again that an intelligent boy is as a rule the best witness in the world." (As quoted from *Moore on Facts*, vol. II, p. 1055, 1056)." (at pp. 35-36)

Appellants point to the fact that Marlon Baeza failed to identify the appellants outright when they were first presented to him for identification. This argument is unavailing. The appellants were presented before Marlon Baeza for identification on the night immediately following the commission of the crime. It cannot be doubted that there was still much fear felt by Marlon Baeza. The tragic incident when he witnessed the robbery committed right in their own house and the killing of his brother was still too fresh for Marlon Baeza. The fear of meeting face to face, after the lapse of only one day after the commission of the crime, had its effect on Marlon. It is only but natural for a boy of nine years to be silent about identifying the culprits of the crime under the circumstances considering that he was expected to identify them while they were face to face. We find the claim of the appellants in this regard unconvincing.

Furthermore, there is no cogent reason why we should not sustain the trial court in its appraisal of the testimonies

of Mario and Marlon Baeza. Appellants have not shown why the witnesses for the prosecution should falsely charge them. No iota of evidence has been presented which suggests any evil motive on the part of the witnesses to implicate the appellants. Neither has it been made to appear that there was an existing animosity between the appellants and the witnesses sufficient to serve as a moving force for the latter to implicate the appellants. We find no reason therefore for the witnesses to incriminate the appellants other than to tell the truth as they have seen it.

At any rate, the settled rule must be sustained in this case. The appellate court will not generally disturb the findings of the trial court, for the latter is in a better position to decide the case, having observed the demeanor of the witnesses while testifying. And absent any showing that a matter of substance was arbitrarily disregarded, the rule must be upheld. (*People v. Elizaga*, 73 SCRA 524 [1976]; *People v. Deslate*, G.R. No. 87807, December 21, 1990)

The appellants' alibi, that they could not have been at the scene of the crime since they were celebrating the birthday of their niece, was rejected by the trial court. We see no sound reason not to sustain the court's findings.

The appellants allege that the failure of the prosecution witnesses to fully establish the identities of the malefactors of the crime, makes their defense of alibi worthy of credence. As such, they added, it is an exception to the prevailing rule that alibi is the weakest defense.

We disagree.

The prosecution witnesses, as earlier stated, were able to positively identify the appellants as the same persons who robbed them and killed Eddie Baeza. Their identities were fully established by the prosecution. And as a matter of law, positive identification prevails over the plea of alibi. (*People v. Carandang*, 52 SCRA 259 [1973]; *People v. Beringuel*, G.R. Nos. 63753-54, December 21, 1990)

Furthermore, in the absence of any motive on the part of the witnesses to falsely incriminate the appellants, the rule has been, to discredit the plea of alibi. (*People v. Acanto*, 109 Phil. 993 [1960]) The records are bereft of any evidence which shows that the witnesses harbored any ill-feelings or hatred against the appellants. They were acquaintances, nothing more and less. The fact that Mario and Marlon Baeza are the father and the brother of the deceased, respectively, standing alone, will not be sufficient to discredit their testimonies. Being related to the deceased by consanguinity does not ipso facto, make them biased witnesses. It must be clearly shown that, independent of the relationship, the testimony is inherently improbable in itself or that there are properly charged improper motives of the witnesses to incriminate the appellants. (*People v. Roxas*, 73 SCRA 583 [1976]; *People v. Cuadra*, 85 SCRA 576 [1978]; *People v. Pajenado*, 69 SCRA 172 [1976]) We find, however, neither circumstance present in this case. On the contrary, the appellants had the motive to kill Eddie Baeza, for the reason that the latter was the sweetheart of the appellant's sister but he broke their relationship in order to court Merle Feliciano who in turn was being courted by Herman Reception. However, we need not dwell into this circumstance, the identities of culprits having been established, the need to discuss the motive for the killing has become unnecessary.

For the defense of the appellants to prosper, it must be shown that not only were they present at some other place, but also that it was physically impossible for them to be at the scene of the crime at the time of the commission of the felony. (*People v. Palamos*, 49 Phil. 601[1926]; *People v. Liera*, 82 SCRA 163 [1978]; *People v. Manago*, G.R. No. 90669, November 21, 1990)

The distance between the house of the Baezas, where the felony was committed, and the house of the appellants negates their defense of alibi. The distance between their respective houses is only 500 meters; the physical impossibility of the appellants to be at the scene of the crime does not hold true in this case. They could reach the

Baeza's residence after only a few minutes walk.

That the appellants were, at the time of the commission of the felony, attending a party would still not negate the fact that they were able to perpetrate the crime. They could have easily slipped out and proceeded to the Baeza residence and thereafter immediately return to the birthday party of their niece without any of the guests noticing their departure, assuming the alibi is true.

Moreover in any celebration, particularly that of a birthday party, there is much revelry, singing, and eating. The attention of those people who are present in the celebration is not particularly focused on a particular guest but on the revelry itself. The testimonies of the witnesses for the appellants which declared that they were able to see the appellants attend the party and in fact see them singing throughout its duration appear dubious. We find the alibi thus played up by the appellants and which the witnesses tried to confirm contrary to common experience.

Considering the foregoing, the lower court correctly found the appellants guilty beyond reasonable doubt of the crime of Robbery with Homicide.

However, in view of the prevailing jurisprudence, the indemnity for the death of Eddie Baiza is raised from P30,000.00 to P50,000.00.

WHEREFORE, the appealed decision is hereby AFFIRMED with the modification set forth above.

SO ORDERED.

Fernan, C.J., (Chairman), Feliciano, Bidin, and Davide, Jr., JJ., concur.

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