

PEOPLE OF THE PHILIPPINES, PLAINTIFF-APPELLEE, VS. ENRIQUE PARIENTE Y GIRON, ACCUSED-APPELLANT.

G.R. No. 94134. January 22, 1993

Ponente: CRUZ, J.

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CRUZ, J.:

The Court harks back to an incident that may have a bearing on the case now before it. On October 31, 1986, Carlos Garas, Jr. stabbed Enrique Pariente, inflicting on him serious physical injuries. No charge was filed, however, because Garas and his family paid Pariente a cash settlement.

On February 25, 1987, it was the turn of Carlos Garas, Jr. to be stabbed. But this time, the stabbing was fatal. The cause of death was severe hemorrhage as a result of the stab wound.[1]

More than one and a half years later, Enrique Pariente was charged with the killing of Carlos Garas, Jr. in an information for murder filed with the Regional Trial Court of Quezon City.[2]

After trial, Judge Jaime N. Salazar found the accused guilty as charged and sentenced him to reclusion perpetua. He was also required to indemnify the victim's heir in the amount of P30,000.00 as actual damages, P200,000.00 as moral damages, and P200,000.00 as exemplary damages.[3]

The accused-appellant now faults the evidence of the prosecution as insufficient to sustain his conviction. He argues that the testimonies of the alleged eyewitnesses are inconclusive and inconsistent. He submits that even if the defense of alibi may be inherently weak, he is nevertheless entitled to acquittal because the evidence of the prosecution is even weaker.

The prosecution based its case on the testimonies of Florita Garas, Nelly Garas Rillorasa, and Rodrigo Sulayao, who all claimed to have seen Pariente stab Garas.

Florita Garas, the victim's mother, said that at about 9 o'clock in the morning in question, she sent Carlos to buy pepper for the dinuguan she was cooking at her carinderia. Carlos walked to the store about five meters across the street and made the purchase. While there, Carlos was approached by Pariente, who put one arm around him and then stabbed him in the back with a knife about 12 inches long. The wounded Carlos was still able to return to their carinderia and to tell her, "Nanay, sinaksak ako ni Eric." She and her daughter Nelly immediately took Carlos to the Quirino Memorial Labor Hospital but he expired shortly thereafter.[4]

Nelly Garas Rillorasa, the victim's sister, said she also saw her brother stabbed by Pariente in the manner described by her mother and Sulayao. She said she chased Pariente as she shouted "Catch him!", but he escaped. She then returned to her mother's store and the two of them rushed Carlos to the hospital. But to no avail as he died soon afterwards.[5]

The third eyewitness was Rodrigo Sulayao, the owner of the store where the stabbing happened. Like Florita and Nelly, he said, he saw Pariente put one arm around Carlos and with the other arm stab him in the back. He said

that it took a while before Pariente pulled out the knife from Carlos's body. He added that he never again saw Pariente in their place until the accused-appellant was arrested the following year for robbery. Sulayao said he was then invited to the police station, where he identified Pariente as Carlos's killer.[6]

For his part, Pariente averred that at the time of the incident he was in his house recuperating from the stab wound inflicted on him by Garas (four months ago). He claimed he had forgiven Garas and denied that he had stabbed him. He said he had never gone into hiding but continued living in his house until he was arrested for purse-snatching and robbery on September 15, 1988. Before that, he said, no warrant of arrest had been served on him for the killing of Garas.[7]

His mother, Enriqueta Pariente, corroborated him on all points of his testimony.[8]

In its basic and reply briefs, the defense maintains that the trial court should not have given credence to Florita's testimony because of a glaring contradiction. Pariente focuses on Exhibit A,[9] her sworn statement that she saw the accused-appellant stab her son, and on Exhibit 1,[10] where she stated (although not under oath) she did not know who stabbed Carlos. The two statements were supposed to have been taken within the same hour in the morning of February 25, 1987. Yet, within that hour, Florita reversed herself on the crucial question of the killer's identity.

The defense insists that Exhibit 1 is more reliable because Exhibit A was sworn to only on September 19, 1988, more than one-and-a-half years after it was allegedly taken. Moreover, Pat. Rey Medina, who was supposed to have taken Exhibit A, denied having done so when he testified for the defense.[11]

It is true that Florita's statements leave much to be desired. Her explanation that she was not really in her right senses when she executed Exhibit 1 is not acceptable, considering that she made that statement soon after she had executed Exhibit A, which she does not disavow. It is clear that no conviction can be based on the testimony alone of Florita Garas, which is flawed by her obvious contradictions.

But as it happens, the prosecution presented two other eyewitnesses who made practically the same narration of the stabbing of Carlos Garas, Jr. by Enrique Pariente on February 25, 1987.

Nelly Rillorasa saw for herself how her brother was killed and related the incident in detail, including her pursuit of Pariente and how she helped her mother take the dying Carlos to the hospital. Rodrigo Sulayao said he could clearly see the incident because he was then facing both Garas and Pariente. Notably, he even said that Pariente took some time before withdrawing the knife he had plunged into Garas's back.

These two witnesses were not merely corroborating Florita's testimony on some point or other. Both of them actually saw the stabbing of Garas by Pariente and were testifying in their own right as independent eyewitnesses.

The defense points out that the sworn statements of the two other eyewitness,[12] although dated February 25, 1987, were actually sworn to only on September 19, 1988, the day before the filing of the information. The implication is that they were antedated and even prepared merely to bolster the prosecution.

Perhaps so. But even if this were true, it would not necessarily impair the testimonies of the two, who in fact affirmed such statements on the stand. It might have been different if, as in the case of Florita, there was a suspicious inconsistency between their sworn statements and their testimonies.

There was no such inconsistency. On the contrary, both Nelly Rillorasa and Rodrigo Sulayao consistently identified Pariente as the person who killed Carlos Garas by treacherously stabbing him in the back.

The defense insists that the evidence of the prosecution is weak and has not overcome the constitutional presumption of innocence. We do not think so. Our view is that Enrique Pariente has been sufficiently identified

as the killer and that his guilt has been proved beyond reasonable doubt.

The fact that he was not arrested for more than one-and-a-half years after the stabbing cannot by itself alone inject the reasonable doubt that should exonerate him. The presumption is that he was not arrested because he could not be found. But even if it be conceded that he had not fled, the omissions of the police, given its record of inefficiency, cannot be considered a badge of innocence. The delay in his arrest did not wash away his crime.

WHEREFORE, the appealed decision is AFFIRMED with the modification that the civil indemnity shall be increased to P50,000.00 and the awards of moral damages and exemplary damages reduced to P20,000.00 each. The appeal is DISMISSED, with costs against the accused-appellant.

SO ORDERED.

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

[1] Records, p. 128.

[2] Ibid., p. 1.

[3] Id., p. 118.

[4] TSN, December 12, 1988, pp. 4-10.

[5] Ibid., December 21, 1988, pp. 4-7.

[6] Id., January 23, 1989, pp. 5-12.

[7] id., July 5, 1989, pp. 3-8.

[8] id., May 9, 1989, pp. 3-4.

[9] Records, p. 126.

[10] Ibid., p. 135.

[11] TSN, May 31, 1989, p. 4.

[12] Records, pp. 129, 131.

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