

**THE PEOPLE OF THE PHILIPPINES, PLAINTIFF-APPELLEE, VS.
FLORENTINO BRACAMONTE Y ABELLAR, MANUEL REGINALDO Y
SAPON, AND ERNIE LAPAN Y CABRAL ALIAS ERNING BULAG,
DEFENDANTS-APPELLA...**

G.R. No. 95939. June 17, 1996

Ponente: HERMOSISIMA, JR., J.

Read online (full-text search, related cases, audio case brief): <https://batas.org/library/g-r-no-95939/>

HERMOSISIMA, JR., J.:

Alibi, the plea of having been elsewhere than at the scene of the crime at the time of the commission of the felony, is a plausible excuse for the accused. Let there be no mistake about it. Contrary to the common notion, alibi is in fact a good defense. But, to be valid for purposes of exoneration from a criminal charge, the defense of alibi must be such that it would have been physically impossible for the person charged with the crime to be at the locus criminis at the time of its commission, the reason being that no person can be in two places at the same time. The excuse must be so airtight that it would admit of no exception. Where there is the least possibility of accused's presence at the crime scene, the alibi will not hold water.

Appellant Florentino Bracamonte y Abellar, Manuel Reginaldo y Sapon, and Ernie Lapan y Cabral alias Erning Bulag, stand charged with the crime of Robbery with Double Homicide under the following Information, dated October 6, 1987:

"The undersigned 2nd Asst. City Fiscal for the City of Cavite accuses Florentino Bracamonte y Abellar, Manuel Reginaldo y Sapon and Ernie Lapan y Cabral alias Erning Bulag of the crime of Robbery with Double Homicide, committed as follows:

That on or about September 23, 1987, in the City of Cavite, Republic of the Philippines and within the jurisdiction of this Honorable Court, the above-named accused, conspiring, confederating together and mutually helping each other, with intent to gain did, then and there, wilfully, unlawfully and feloniously enter the house of one Violeta Sayaman Parnala, and once inside, by means of violence and intimidation, rob, take and carry away a necklace worth P600.00 and ring worth P440.00 belonging to one Jay Vee Parnala Custodio, son of Violeta Sayaman Parnala, without the consent of the said owner and to his damage and prejudice in the total amount of P1,100.00, Philippine Currency and that on the occasion of the said robbery, and in pursuance of their conspiracy, the above-named accused, with intent to kill, did, then and there, wilfully unlawfully and feloniously assault, attack, scald and stab Jay Vee Parnala inflicting upon Jay Vee Parnala Custodio 3 incised and 15 stab wounds and upon Teresita Minorca Rosalinas 1 incised and 6 stab wounds on the different parts of their body, which ultimately caused their deaths.

Contrary to law."^[1]

Ernie Lapan y Cabral was tried and convicted of the crime in a Decision of the court a quo, dated February 13, 1989, and his case is on appeal with this Court. Manuel Reginaldo y Sapon is at large.

Appellant Bracamonte had been at large until his arrest on October 27, 1989. He had been in hiding for more than

two years.

The present appeal deals solely with the conviction by the court a quo of herein appellant Bracamonte.

Arraigned on November 13, 1989, appellant pleaded "not guilty" to the crime charged.

After trial, the Regional Trial Court of Cavite City, Branch XVII, rendered judgment on September 21, 1990 finding appellant guilty as charged. The dispositive portion of the judgment reads:

"WHEREFORE, in view of the foregoing, the Court finds the accused Florentino Bracamonte y Abellar guilty beyond reasonable doubt of the crime of Robbery with Double Homicide and he is hereby sentenced to RECLUSION PERPETUA, to indemnify the heirs of Jay Vee Parnala and Teresita Rosalinas the amount of P30,000 each and to pay unto Violeta Parnala P1,100.00 corresponding to the value of the articles lost without subsidiary imprisonment in case of insolvency and to pay the cost."[2]

Hence, appellant interposed the present appeal, assigning the following errors:

I

"x x x IN GIVING CREDENCE TO PROSECUTION WITNESS' DECLARATION CONCERNING THE POSITIVE IDENTIFICATION OF THE ACCUSED-APPELLANT AS ONE OF THE THREE (3) MEN WHO ALLEGEDLY EMERGED FROM THE GARAGE DOOR OF THE VICTIM'S HOUSE AND SPRINTED AWAY THEREFROM ALMOST IMMEDIATELY.

II

x x x IN APPRECIATING THE THEN EXTANT CIRCUMSTANTIAL EVIDENCES AS INDICATIVE OF ACCUSED-APPELLANT'S GUILT.

III

x x x IN ITS PRONOUNCEMENT THAT ACCUSED-APPELLANT EVADED ARREST BY HIDING AFTER HIS ALLEGED COMMISSION OF THE HEINOUS CRIME IMPUTED AGAINST HIM.

IV

x x x IN DISREGARDING COMPLETELY THE DEFENSE OF ALIBI PUT UP BY THE ACCUSED-APPELLANT."[3]

At the trial in the court a quo, the following facts appear to have been proven:

On September 23, 1987, at about 8:30 in the evening, Violeta Parnala and her common-law husband, Clark Din, arrived home from the Kingdom Hall of Jehovah's Witnesses. She rang their doorbell and when she got no response, she pounded on the garage door while her husband went to the back of their house and stoned the window of their son's room. Then, she heard somebody trying to remove the padlock of the garage door and saw a man, prompting her to shout, "magnanakaw, magnanakaw." After the door was opened, three (3) men rushed out, one after the other, whom she recognized as appellant Bracamonte, Ernie Lapan and Manuel Reginaldo.

Upon hearing his wife shouting, Clark Din rushed to her and saw a man about to turn at the other street. He ran after him but could not catch up. He thus proceeded back to their house. By this time, some of their neighbors, roused by the shouting of Violeta, came out of their houses, among whom were Pat. Sahagun and Pat. Punzal. The two (2) policemen went with Clark Din inside the house and saw the television set on. Din turned on the lights and started to look for his son. He tried the bathroom but it was locked. He then went to their room, got the keys and opened the bathroom where he saw their maid, Teresita M. Rosalinas, hands tied with her mouth gagged, and bathed in her own blood. Thereafter, he saw their son, Jay Vee Parnala, in the dirty kitchen, his head and body

immersed in a pail of water, dead.

Dr. Regalado Sosa, City Health Officer of Cavite City, conducted an autopsy on the cadavers of Jay Vee and Rosalina. His findings disclosed that Rosalina sustained six (6) stab wounds and one (1) incised wound, while Jay Vee sustained thirteen (13) stab wounds and three (3) incised wounds on different parts of the body.[4] In the case of Rosalina, the most fatal wounds were wounds Nos. 6 and 7 while in the case of Jay Vee, almost all of the wounds were fatal due to his age.[5] Jay Vee was only six years old at the time of his death.

Appellant Florentino Bracamonte denied the charge and interposed the defense of alibi. According to him, he was not in Cavite City at the time the crime was committed, but was then in the premises of the RM Motor Works located in Parañaque, Metro Manila. This shop is owned by Rafael Diaz. Appellant worked as an all around employee, alternating as a mechanic and shopkeeper of Rafael Diaz.

We affirm the conviction of the herein appellant.

The defense of alibi is a handy but shabby excuse which inditees never seem to tire of.[6] At the risk of sounding like a broken record, we reiterate once more the oft-repeated rule that the defense of alibi is worthless in the face of positive identification.[7] In the case at bench, Violeta Parnala, witness for the prosecution and mother of one of the victims, positively testified that she saw appellant Bracamonte, together with Manuel Reginaldo and Ernie Lapan, come out of their garage door, obviously immediately after the incident in question. The situation was that the accused were still inside the Parnala residence when the spouses Parnala arrived thereat. This circumstance and the fact that the three accused left Violeta in a hurried manner and without paying their respects to the house owner as would have been the case if their presence in the Parnala house were legitimate, constitute circumstantial evidence of their culpability. Violeta clearly saw the three (3) men because they were only about an arm's length from where she was when they scampered out of the garage door. As they came out, they were practically facing her. Moreover, although the light coming from the electric post, admittedly, was dim, there was additional illumination coming from the houses nearby sufficient to enable her to identify the malefactors: Thus:

"Q:

Following your testimony, you were outside the small door knocking, then these three persons came out from the garage?

A:

They were still in the garage when suddenly they opened the door of the garage. I thought he is our maid and I told him that I was knocking here for a long time already why did you wake up just now.

Q:

And the distance between you and the place where they came out was very short distance?

A:

Yes, Ma'am.

Q:

What is the distance?

A:

About an arm (sic) length.

Q:

And you said they walked very fast?

A:

Not so fast. When they were already outside they ran so fast.

Q:

Mrs. Witness, is there a lighting facilities (sic) in your door?

A:

There is an electric post that has a light.

Q:

And would it be 8 to 10 meters from the door of your garage?

A:

It could be not so far (sic) because our house is at the corner.

Q:

Page 35 of your transcript of stenographic notes shows it is about 8 to 10 meters. What is the kind of light?

A:

Electric bulb.

Q:

Not the fluorescent?

A:

Bulb.

Q:

And it was about how high?

A:

The height of an electric post.

Q:

It could be about 20 feet?

A:

I am not sure.

Q:

And you will agree with me that that light was not sufficient enough to be able to clearly see the faces of the persons going out of the garage?

A:

The house nearby have also light. The place was also lighted by the houses of the neighbor which has a

light."[8]

Violeta Parnala was unswerving in her identification in open court of appellant Bracamonte as one of the felons who emerged from their house, considering that the latter used to drive her son to school. As further recounted by Violeta, viz:

Q:

In your direct testimony when you were asked this question. Q: Why do you know the accused? A: Because my son used to ride in his jeepney on his way to school. How young was your son Jay Vee Parnala Custodio when the incident happened?

A:

He was six years old?

xxx xxx xxx

Q:

And during those times when this Teresita Rosalinas and your son Jay Vee Parnala Custodio were going to school, you do not mind who the driver was of the jeepney they were taking?

A:

I also looked at him.

Q:

But your concern was merely to reach their destination, not to identify the driver of the jeepney?

A:

Of course when my child leaves the house, I used to see who was the driver because I have much concern about my son in case something might happen.

xxx xxx xxx

Q:

What is in the driver taking your son to school (sic) or the distinguishing feature that made you say that you came to know the accused because he used to ride in the jeepney of his?

A:

Of course the feature of his face and the built of his body.

Q:

Was there any distinguishing feature in his face or in his body, what is it?

A:

His face a little bit round.

Q:

If that accused is in the courtroom today, will you be able to identify him?

A:

Yes, Ma'am (He is there, witness pointing to the accused.)

Q:

How many times more or less did your son Jay Vee and Teresita Rosalinas ride in this jeepney being driven by this Bracamonte?

A:

I cannot remember already how many times but I could see them very often riding in the jeepney.

Q:

And this accused Bracamonte is not living in your neighborhood?

A:

He is also living in that place but a little bit far from our place."^[9]

Appellant countered, however, that witness Violeta could not have known him personally since her son and maid rode coincidentally on appellant's jeepney only on occasions whenever he passed by the witness' house in the course of regular work. Their relationship was impersonal, not conducive to close and regular relationship thereby ruling out intimate knowledge of each other.^[10] The implication is that Violeta could not have positively identified him as one of those who emerged from the garage door of the victims' house, they being complete strangers to each other.

This averment is of no consequence, because nowhere in the testimony of Violeta did she claim that she knows the appellant personally. What she testified to was that she used to see her son and maid ride in appellant's jeepney very often,^[11] which is the reason why she became familiar with appellant's physical appearance. There is nothing in law and jurisprudence which requires, as a condition sine qua non, that in order for there to be a positive identification by a prosecution witness of a felon, he must first know the latter personally. If this were the case, the prosecution would rarely get any conviction since, in most instances, the perpetrator of the crime is unrelated to the victim. No further requirement is imposed by law on the prosecution than that the identification made by its witness be direct, firm, unequivocal, and, most importantly, credible. The witness' degree of closeness or familiarity with the accused, although may be helpful, is by no means an indispensable requirement for purposes of positive identification.

To corroborate his defense of alibi, appellant presented Rafael Diaz, owner of RM Motor Works in Parañaque, where appellant used to work as an all around employee and where he allegedly spent the night on September 23, 1987, the time when the crime was committed. Diaz' testimony contributed very little, if at all, to his defense. The direct examination of Diaz reveals the following:

"Q:

Please recall the specific date of September 23, 1987, have you gone to your shop?

A:

As far as I know, I cannot remember. At that date because of too long to recall (sic) but what can say is that I know that he stayed in the shop. He sleep (sic) in the shop.

xxx xxx xxx

Q:

Now, you said that you used to visit, inspect your shop usually in the morning. Now, tell us Mr. Witness have you done that in September 1987?

A:

Yes, sir.

Q:

In your doing such inspection, where was Florentino Bracamonte?

A:

He was in the shop.

Q:

For the whole month of September 1987?

A:

Yes, sir.[12]

However, on cross-examination, Diaz became more ambivalent:

"Q:

And you are definite that on September 23, 1987 as you mentioned earlier you did not know if the accused left your shop or not?

A:

In the afternoon.

Q:

On September 23, 1987?

A:

I am not sure.

COURT:

Q:

You are not sure he did not leave?

A:

Yes, Your Honor, I am not sure.[13]

The above testimony, whose purpose is to corroborate appellant's defense of alibi, failed to serve its purpose for it was hardly clear and convincing. Thus, the trial court did not commit any error in refusing to give probative value to this piece of evidence. Settled is the doctrine that the trial court's evaluation of the credit-worthiness of the testimony given before it by witnesses must be accorded great respect.[14]

It has been said that the defense of alibi is inherently weak since it is very easy to concoct. In order that this defense may prosper, it must be established clearly and convincingly not only that the accused is elsewhere at the

time of the commission of the crime, but that likewise it would have been physically impossible for him to be at the vicinity thereof.[15] In the instant case, appellant Bracamonte tragically failed to show, by clear and convincing proof, that it was physically impossible for him to be at the victims' house at the time the crime was committed, apart from his self-serving declaration that he was at RM Motors Works in Parañaque on the fateful night of September 23, 1987, seconded by the discredited testimony of his alleged employer, Rafael Diaz.

With marked relevance is the fact that there appears to be no motive on the part of Violeta Parnala to falsely accuse appellant, other than her sincere desire to seek justice for the deaths of her son and maid. Appellant himself admitted that he was not aware of any reason or motive why Violeta should testify falsely against him.[16] Positive identification by an independent witness who has not been shown to have any reason or motive to testify falsely must prevail over simple denials and the unacceptable alibi of the accused.[17]

Appellant insists that, as proof of his innocence, he did not escape nor evade arrest after the commission of the crime imputed against him. He contends that he stayed in his place of employment in Parañaque, Metro Manila, from 1986 to 1989, regularly performing his job, when he was apprehended on the strength of a warrant of arrest.

This is contrary to the finding of the court a quo which held that:

"Accused Florentino Bracamonte y Abellar also stayed at large until his arrest on October 27, 1989 after more than two years of hiding to evade the scales of justice.

xxx xxx xxx

x x x [A]ccused chose to flee from the scene of the crime and to stay beyond the clutches of the law x x x, thus spotlighting the legal maxim 'the guilty fleeth while the innocent stands fast, bold as a lion.'"[18]

The evidence on record does not warrant reversal of this finding by the trial court. It is this Court's bounden duty to refrain from reviewing findings of fact by the lower court, considering that it has all the opportunity to directly observe the witnesses and to determine by their demeanor on the stand the probative value of their testimonies.[19]

In any case, assuming, *ex gratia argumenti*, that appellant's claim of non-flight is true, there is no law or principle which guarantees that non-flight per se is proof, let alone conclusive proof, of one's innocence and, as in the case of alibi, such a defense is unavailing when placed astride the undisputed fact that there is positive identification of the felon.[20]

Finally, appellant claims that the evidence against him is purely circumstantial which is insufficient to sustain his conviction. He submits that there is no solitary piece of evidence directly linking him to the commission of the crime imputed against him, hence he should be acquitted.

This argument is specious. Circumstantial evidence is that evidence which indirectly proves a fact in issue.[21] In this jurisdiction, direct evidence is not only the basis upon which the guilt of an accused may be proved; it may also be established through circumstantial evidence.[22] Under the Revised Rules on Evidence, circumstantial evidence will support and justify a conviction if the following requisites concur:

- (1) There is more than one circumstance;
- (2) The facts from which the inferences are derived are proven; and
- (3) The combination of all the circumstances is such as to produce a conviction beyond reasonable doubt.[23]

In the case at bench, the circumstances pointing to accused-appellant's guilt are as follows:

(1) He was not an inmate of private complainant's house and so, his presence therein at a late hour in the evening indicate his and his companions' evil designs.

(2) He and his cohorts were seen coming out of the victims' house immediately after the crime of robbery with homicide was perpetrated.

(3) After coming out, the culprits immediately fled.

(4) He and Sapon went into hiding for more than two (2) years. Bracamonte was arrested on October 27, 1989.

The above circumstances, highlighted by the testimony of Violeta Parnala which was straightforward and clear as to the identity of the appellant as one of the malefactors, clearly point to appellant Bracamonte's guilt. Thus was overcome, by proof beyond reasonable doubt, the presumption of innocence in appellant's favor.

In contrast, appellant merely relies on denial and alibi, weak defenses, to support his claim of innocence, which defenses were overthrown by the prosecution.

The Court notes that appellant, together with his two (2) other co-accused, were charged and convicted of robbery with double homicide. The charge and the corresponding conviction should have been for robbery with homicide only although two persons were killed.[24] In this complex crime, the penalty prescribed in Article 294(1) of the Revised Penal Code is not affected by the number of killings accompanying the robbery.[25] The multiplicity of the victims slain, though, is appreciated as an aggravating circumstance.[26]

Although Republic Act No. 7659 reimposed the death penalty for certain heinous crimes, including robbery with homicide,[27] the capital punishment could not be imposed in the case at bench. The crime here was committed way back in September 23, 1987, while R.A. No. 7659 took effect only on December 31, 1993.[28] To impose upon appellant the death penalty would violate the basic rule in criminal law that, if the new law imposes a heavier penalty, the law in force at the time of the commission of the offense shall be applied,[29] which in this case is Article 294 (1) of the Revised Penal Code sans the death penalty clause by virtue of Section 19 (1), Article III of the 1987 Constitution which provides, viz:

"x x x Neither shall death penalty be imposed, unless, for compelling reasons involving heinous crimes, the Congress hereafter provides for it. Any death penalty already imposed shall be reduced to reclusion perpetua."

WHEREFORE, the Decision appealed from is hereby **AFFIRMED**, with the modification that the conviction is for robbery with homicide, and the indemnity for the heirs of the two victims is hereby increased from P30,000 to P50,000[30] each.

SO ORDERED.

Padilla, Bellosillo, Vitug, and Kapunan, JJ., concur.

[1] Original Records, p 1.

[2] Decision, pp. 8-9; Rollo, pp. 23-24.

[3] Brief for the Accused-Appellant, p. 18.

[4] Exhibits "K" and "L"; Records, pp. 79-81.

[5] TSN, 19 March 1990, pp. 10 and 16.

[6] *People vs. Gamiao*, 240 SCRA 254, 261 [1995].

[7] *People vs. Rivera*, 242 SCRA 26, 37 [1995] citing *People vs. Dominguez*, 217 SCRA 170 [1993]; *People vs.*

De la Cruz, 217 SCRA 283 [1993].

[8] TSN, 19 December 1989, pp. 16-19.

[9] TSN, 19 December 1989, pp. 9-13.

[10] Brief for the Accused-Appellant, pp. 19-20.

[11] TSN, 19 December 1989, p. 13.

[12] TSN, 19 June 1990, pp. 9-13.

[13] TSN, 19 June 1990, p. 20.

[14] People v. Machete, 231 SCRA 272, 277 [1994] citing People v. Munda, 189 SCRA 425 [1990].

[15] People v. Marinas, 248 SCRA 165, 174-175 [1995] citing People v. Madriaga IV, 171 SCRA 103 [1989]

[16] TSN, 28 March 1990, pp. 22-23.

[17] People v. Lamsing, 248 SCRA 471, 477 [1995].

[18] Decision, pp. 2 and 8; Rollo, pp. 17 and 23.

[19] People v. Gomez, 229 SCRA 138, 144 [1994] citing People v. Yadao, 216 SCRA 1 [1992].

[20] People v. Amania, 248 SCRA 486, 493 [1995] citing People v. Desalisa, 229 SCRA 35 [1994]; People v. Parica, G.R. No. 80677, 21 April 1995.

[21] People v. Ramos, 240 SCRA 191, 198 [1995] citing Gardner, Criminal Evidence, Principles, Cases and Readings, West Publishing Co., 1978 ed., p. 124

[22] People v. Merza, 238 SCRA 283, 288 [1994] citing People v. Cagadas, Jr., 193 SCRA 216 [1991].

[23] Section 4, Rule 133, Revised Rules on Evidence; People v. Pajarit, 214 SCRA 678, 682 [1992]; People v. Iran, 216 SCRA 575, 580[1992].

[24] People v. Vivas, 232 SCRA 238, 243 [1994].

[25] Ibid.

[26] People v. Timple, 237 SCRA 52, 70 [1994].

[27] SEC. 9. Article 294 of the same Code is hereby amended to read as follows:

"Art. 294. Robbery with violence against or intimidation of persons - Penalties. - Any person guilty of robbery with the use of violence against or intimidation of any person shall suffer.

1. The penalty of reclusion perpetua to death, when by reason or on occasion of the robbery, the crime of homicide shall have been committed or when the robbery shall have been accompanied by rape or intentional mutilation or arson.x x x."

[28] People v. Godoy, G.R. Nos. 115908-09, December 6, 1995.

[29] Reyes, Luis B., The Revised Penal Code, Book One, 13th edition, p. 14.

[30] Supra, note 24 at 244.

ABOUT BATAS.ORG

Study smarter at BATAS.org

The Philippine bar review and law-school companion built around how your brain actually remembers.

The complete Philippine law library - free for everyone.

More than 100,000 Supreme Court decisions, Republic Acts, and executive issuances - full-text searchable, browsable by category and year, and always free. No paywall, no login. This PDF came from it.

Audio case-brief lectures.

Any decision becomes a podcast-style lecture - facts, issues, ruling, and doctrine - with read-along highlighting and a hands-free presentation mode. Study while commuting, working out, or resting your eyes.

Bar review built on the science of memory.

Complete, sequenced courses for all eight bar subjects, narrated like podcasts and reinforced with retrieval practice and spaced review - the study techniques with the strongest evidence behind them.

The full law-school curriculum.

One subscription unlocks the entire J.D. curriculum - every subject, every lesson, with your progress tracked down to the paragraph so you can pick up exactly where you left off, on any device.

Mock exams that tell you where you stand.

Timed multiple-choice exams graded instantly, with per-subject score breakdowns and focus suggestions that point you at your weakest topics first.

A study planner that keeps you on pace.

Set your schedule and BATAS tells you every day whether you are on track for bar day - and exactly which lesson to take next.

Start free at <https://batas.org>

The law library is free forever - and your first lesson is one click away.

The text of this document is an official public record and remains in the public domain. Formatting, presentation, and compilation © 2026 batas.org.

Downloaded free from the batas.org Law Library. Share it freely - the library is free for every law student, bar reviewee, and practitioner.