

PEOPLE OF THE PHILIPPINES, PLAINTIFF-APPELLEE, VS. MARIO CUSTODIO Y ESPIRITU, ACCUSED-APPELLANT.

G.R. No. 96230. May 27, 1991

Ponente: REGALADO, J.

Read online (full-text search, related cases, audio case brief): <https://batas.org/library/g-r-no-96230/>

REGALADO, J.:

Pursuant to Section 13, Rule 124 of the 1985 Rules on Criminal Procedure, the instant case was elevated to us by the Court of Appeals which, on November 21, 1990, affirmed in CA-G.R. No. 07056 the decision of the court a quo convicting accused-appellant of murder but with the following modification of the latter's judgment:

"WHEREFORE, the judgment of conviction is affirmed but the penalty of imprisonment is modified by sentencing the accused to reclusion perpetua. Further, in accordance with the Resolution En Banc of the Supreme Court dated August 30, 1990 the civil indemnity to be paid by the accused to the heirs of Danilo Camba is hereby increased to P50,000.00 (People vs. Sazon, G.R. No. 89684, September 18, 1990.)"[1]

The factual background of this case, based on the evidence and the findings of the trial court which were adopted by the Court of Appeals in its decision, is as follows:

"From the evidence presented in this case it appears that at about 11:00 P.M. on August 10, 1986 there was a wake going on at the Queborac Chapel, Naga City for the deceased Teresita Calisura. Danilo Camba, 27 years of age, was seated on a window sill of the chapel facing the inside of the chapel talking to his aunt Corazon C. Nono. While he was thus seated a man went behind him and stabbed him two (2) times with a bladed weapon. He suffered stab wounds at the lower part of his back and in his armpit.

"Corazon C. Nono saw the incident. She was then only one foot away from Camba and was facing him. She saw that it was Mario Custodio who pulled Camba and then almost simultaneously thrust the knife with both his hands at the back and side of the victim and then pulled out the knife and wiped the weapon on his pants. Thereafter Custodio ran away from the scene. She saw Danilo Camba press his left hand against the left side of his back and heard him say 'Deputa sinaksak ako ni Mario'. This witness was too stunned at what she saw and while she intended to go to the mother of Danilo Camba to tell her what happened, without knowing what she was doing she ran towards Custodio's home where the latter went. She claimed that when she reached the house she heard Custodio's wife asking her husband why he stabbed Danilo Camba. Thereafter Corazon Nono went to the house of Danilo Camba to report the incident.

"The witness stated when cross-examined that she knew Mario Custodio very well and she recognized him as the person who was outside the chapel and who stabbed Camba.

"Edwin Ejercito, a lad 19 years of age, was then also inside the chapel. He was only two (2) armslength (sic) away from Camba. He saw Camba fall from the window sill shouting that he was stabbed by Mario Custodio. This witness did not actually see the weapon used but he saw Mario Custodio making a downward thrust with both hands and then saw said Custodio running away from the chapel towards his house.

"Manuel Nono, a relative of Camba, was then also in the chapel watching a game of 'pusoy'. He saw Camba jump inside the chapel from the window sill holding his back with his left hand and uttering 'Deputang Mario

yan, sinaksak ako'. It was he who helped Camba into a trimobile and brought him to the hospital. On their way to the hospital he asked Camba who really stabbed him and the latter answered that it was Mario Custodio. Camba requested him to take care of him and not to leave him.

"As a result of the stab wounds he suffered, Danilo Camba died at about midnight while at the hospital. Dr. Jose Rejante, a resident physician of the Camarines Sur Provincial Hospital who conducted the autopsy on the body of Camba, testified that the victim died of irreversible shock secondary to massive blood loss secondary to multiple stab wounds." [2]

Appellant was charged in the Regional Trial Court of Naga City, Branch 27, in Criminal Case No. 86-1358 with the crime of murder.[3] He was arrested on August 11, 1986 and has been detained in jail since then, his application for bail having been denied by the lower court on the ground that the evidence of his guilt is strong. Upon arraignment, appellant, duly assisted by counsel, pleaded not guilty. Forthwith, trial on the merits ensued.

The defense of appellant is one of alibi. He testified that in the evening of August 10, 1986, he was at his house, which is about two hundred (200) meters away from the barangay chapel where the incident happened, sleeping together with his wife and children as early as 10:00 o'clock of that evening.

He also implicated a certain Perfecto del Rosario as the one who stabbed the victim. He declared that he saw Del Rosario pass by his house that night holding a bladed weapon and the latter told him that something happened at the chapel. Said Del Rosario even supposedly executed a written confession admitting his participation in the crime allegedly because of his own pique against the victim who had carried on an affair with the former's wife. However, Del Rosario was neither presented in court nor was his supposed written confession offered as evidence by the defense, hence such aborted attempt to shift liability to him cannot affect the prosecution's evidence.

Finding for the prosecution, the trial court rendered its decision dated August 5, 1988, sentencing appellant to serve imprisonment for an indeterminate term of twelve (12) years and one (1) day of prision mayor, as minimum, to eighteen (18) years, eight (8) months and one (1) day of reclusion temporal, as maximum, to indemnify the heirs of the deceased in the sum of P30,000.00 for compensatory damages and the further sum of P30,000.00 as moral damages and to pay the costs, but with full credit for his preventive imprisonment.[4]

Not satisfied therewith, appellant brought his case to the Court of Appeals, faulting the court below for having allegedly erred in giving full credence to the testimonies of prosecution witnesses Corazon Nono and Edwin Ejercito, in failing to consider material inconsistencies in the testimonies of the prosecution witnesses, and in finding appellant guilty beyond reasonable doubt.[5]

Appellant argues that prosecution witness Corazon Nono gave three versions of the stabbing incident during the preliminary investigation and in the course of her direct and cross-examinations. The testimonies of Edwin Ejercito, another prosecution witness, given during the preliminary investigation and in court are similarly challenged. It is asserted by appellant that the testimonies of the prosecution witnesses, on which the prosecution's case stands, should not be given weight and ought to be discarded for being inconsistent in material points aside from being incredible as to be outside the sphere of common and normal occurrences.[6]

We are not persuaded by appellant's arguments. The supposedly different versions given by Corazon Nono are clearly susceptible of coagulation as to what actually transpired on that fateful evening. In her first statement before Assistant Fiscal Lourdes Gonzales right after the occurrence, she briefly but categorically established that it was appellant who stabbed Danilo Camba and that the former immediately thereafter fled to his house. It was during her direct examination when she explained in more detail that she was then conversing with Camba, who was seated on the window sill of the chapel, when appellant stabbed him; that upon being stabbed, Camba stood up and uttered that he was stabbed by Mario Custodio, and that, out of confusion, she ran toward the house of

Custodio and overheard the latter's wife say "Why did you stab Danilo?" During her cross-examination, she was able to further mention that, when she was telling Camba that she was going to sing at radio station DWRN, that was the time when the latter was stabbed. We cannot see how these details could be inconsistent with, instead of being complementary of, each other.

On the other hand, Edwin Ejercito's alleged inconsistencies in his declarations are too minor and insignificant as to cast doubt on his trustworthiness. During the preliminary investigation, he identified the weapon used in stabbing the victim as a kitchen knife, but he failed to mention this fact when he testified in court. Also, during his testimony in court, he declared that he heard Danilo Camba shout that he was stabbed by Mario Custodio, while he failed to mention this during the preliminary investigation.

The fact that the witness fails to mention a particular detail of an incident, especially when testifying on different occasions, does not per se undermine his credibility. The nature and difference of the proceedings involved and the questions propounded therein as would or would not succeed in eliciting the details desired are only some of the factors to be considered. What is controlling is the consistency of the witness in relating the significant and indispensable components of the principal occurrence. We have held that a few discrepancies and inconsistencies in the testimonies of witnesses referring to minor details, and not in actuality touching upon the basic aspects of the whys and wherefores of the crime, do not impair their credibility.[7]

All the alleged conflicting testimonies of the prosecution witnesses were but a progressive narration of events as they slowly but certainly flashed across their memories, which could not be impressed of concoction and destroy their credibility. It is a truism that the most candid witness oftentimes makes mistakes but such honest lapses do not necessarily impair his intrinsic credibility.[8] There is no standard form of behavior when one is confronted by a shocking occurrence.[9] Testimonial discrepancies could be caused by the natural fickleness of memory, which even tend to strengthen rather than weaken credibility as they erase any suspicion of rehearsed testimony.[10]

As appositely observed by the Solicitor General:

"Variances in the testimonies of the prosecution witnesses and their affidavits executed during the preliminary investigation are not altogether unusual. Said affidavits being taken ex parte usually are incomplete and often inaccurate caused sometimes from partial suggestions, sometimes for want of suggestions and inquiries, without and of which the witness may be unable to recall the connected collateral circumstances necessary for the correction of the first suggestion of his memory and for his accurate recollection of all that belongs to the subject (People vs. Laredo, G.R. No. 81249-51, May 14, 1990 and cases cited therein). . . ."[11]

It is well settled that when the main thrust of the appeal is on the credibility of the prosecution witnesses, and appellant fails to demonstrate why this Court should depart from the cardinal principle that the findings of the trial court on the matter of credibility should not be disturbed, the same should be respected on appeal due to its superior advantage in observing the conduct and demeanor of the witness while testifying unless some fact or circumstance which could affect the result of the case may have been overlooked.[12]

We have gone over the records of this case and we find no cause which would justify rejecting the trial court's findings or prevent the Court of Appeals from relying thereon. In addition, the court a quo correctly took notice of what might have triggered appellant's commission of the offense charged, thus:

"Accused Mario Custodio himself supplied the Court with his motive in stabbing Danilo Camba. On the witness stand, accused Mario Custodio testified that prior to August 10, 1987, he was stabbed by the Cambas for which he underwent a major surgical operation on his stomach, the evidence of which is an elongated scar found on the left of his back, which scar was shown to the Court; that he was charged for homicide in Criminal Case No. 84-644 for having allegedly killed Pastor Camba, but he was acquitted (Exh. 1); and that he has filed

a case against Danilo Camba, but the same is still pending before Branch 22 of this Court.

"All these cases between the accused and Danilo Camba and his relatives show that there has been bad blood between them; and, therefore, it was not against human nature and experience for the accused Mario Custodio to have planned to kill Danilo Camba, which plan he fulfilled on the evening of August 10, 1986." [13]

It is true that motive is important when the identity of the accused is in doubt. [14] But when the perpetrator has been positively identified, as in the present case, there is enough evidence to convict appellant and render his defense of alibi unavailing. It is rudimental that the defense of alibi cannot stand against the positive identification of a credible witness. [15] A general denial by the accused of the stabbing incident cannot prevail over the positive identification by the prosecution witnesses. [16]

Alibi, as an inherently weak defense, will be accepted only upon the clearest proof that the defendant was not or could not have been at the scene of the crime when it was committed. [17] In the case at bar, by appellant's own admission, at the time of the incident he was in his house located only about two hundred (200) meters distant from the locus delicti. On this and the preceding considerations, therefore, his impuissant defense must yield to the weight of the People's evidence.

WHEREFORE, finding no error in the judgment of the Court of Appeals, the same is hereby **AFFIRMED**.

SO ORDERED.

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

[1] Penned by Associate Justice Salome A. Montoya, with Associate Justices Reynato S. Puno and Bonifacio A. Caceda, Jr., concurring; Rollo, 40.

[2] Rollo, 37-38.

[3] Original Record, 1.

[4] Original Record, 133-139.

[5] Rollo, 29.

[6] Brief for Accused-Appellant, 5-6; Rollo, 28.

[7] *People vs. Muñoz*, 163 SCRA 730 (1988).

[8] *People vs. Cabato*, 160 SCRA 98 (1988).

[9] *People vs. Salufrania*, 159 SCRA 401 (1988).

[10] *People vs. Pasco, et al.*, 181 SCRA 233 (1990).

[11] Brief for Appellee, 18-19; Rollo, 32.

[12] See *People vs. Cantuba, et al.*, 183 SCRA 289 (1990).

[13] Original Record, 138.

[14] *People vs. Irenea, et al.*, 164 SCRA 121 (1988).

[15] *People vs. Bustarde, et al.*, 182 SCRA 554 (1990).

[16] People vs. Lopez, et al., 157 SCRA 304 (1988)

[17] People vs. Peralta, G.R. No. 67702, January 18, 1991.

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.