

PEOPLE OF THE PHILIPPINES, PLAINTIFF-APPELLEE, VS. ANTONIO JARALBA AND JALANDONI CORREGIDOR, ACCUSED-APPELLANTS.

G.R. No. 96766. September 20, 1993

Ponente: BIDIN, J.

Read online (full-text search, related cases, audio case brief): <https://batas.org/library/g-r-no-96766/>

BIDIN, J.:

This is an appeal from the decision of the Regional Trial Court of Surigao City, Branch 30, finding herein appellants Antonio Jaralba and Jalandoni Corregidor guilty of the crime of Murder, alleged to have been committed in the amended information as follows:

"That on or about the 30th day of October, 1986, in the City of Surigao, Philippines, and within the jurisdiction of this Honorable Court, the above-named accused conspiring and confederating together and mutually helping one another, armed with deadly weapons, that is, sharp-pointed instruments, without any justifiable cause and with intent to kill Joselito Baltar and with treachery and cruelty did then and there willfully, unlawfully and feloniously assault, attack and stab the said Joselito Z. Baltar several times, thereby inflicting upon the latter twenty-three (23) wounds in the different parts of his body as indicated in the post mortem findings hereto attached, causing the instantaneous death of said Joselito Z. Baltar, to the damage and prejudice of his heirs in such sum as may be allowed under the Civil Code of the Philippines.

"Contrary to Article 248 of the Revised Penal Code, with the qualifying circumstance of treachery and cruelty." (Rollo, p. 7).

Upon arraignment, appellants Jalandoni Corregidor and Antonio Jaralba entered a plea of not guilty. Thereafter, trial ensued. On November 24, 1989, the trial court rendered its decision, the dispositive portion of which reads:

"Wherefore, from all of the foregoing, the Court finds the accused, ANTONIO JARALBA and JALANDONI CORREGIDOR, both guilty beyond reasonable doubt of the crime charged, defined and penalized under Article 248 of the Revised Penal Code, lacking in aggravating nor mitigating circumstance, imposes the medium penalty of RECLUSION PERPETUA (People v. Jutie, Jr., G.R. 72975, 31 March 1989, First Division, Medialdea).

"To indemnify the heirs of Joselito Baltar, jointly and severally, the amount of P30,000.00; moral damages of P10,000.00; funeral expenses of P5,000.00 without any subsidiary imprisonment in case of insolvency; to suffer the accessory penalties provided for by law and to pay the costs.

"In view of the foregoing findings of guilt, the bonds filed is (sic) ordered CANCELLED, and accused to be (sic) confined at the Provincial Jail.

"The case with respect to John Doe is placed in ARCHIVE until such time that the police authorities shall be able to identify and apprehend said person.

"SO ORDERED." (Rollo, p. 73)

As summarized by the Solicitor General, the facts of the case are as follows:

"On October 30, 1986, at around 7:00 o'clock in the evening, witness Diomedes Guibao, then seventeen (17) years old, was inside the campus of the Surigao del Norte National High School waiting for his friend Fernando Digol (TSN, July 7, 1988, pp. 2-3). He decided to go to the toilet (Id.). On his way to the toilet, he saw, ahead of him, his classmate Joselito Baltar followed by appellants Antonio Jaralba and Jalandoni Corregidor and another person whom he did not recognize also on their way to the toilet (TSN, July 7, 1988, pp. 3, 13). Diomedes Guibao had already known appellants for about a year having seen them hang around the school's premises (TSN, July 7, 1988, pp. 4, 12).

"As Diomedes was about to enter the toilet, he saw appellants and the unidentified companion inside the toilet taking turns stabbing Joselito Baltar with a 'sundangay' (small bolo) while holding the victim's arms (TSN, July 7, 1988, pp. 3, 8-10).

"The toilet was located at the first floor of a two-storey building. Although the light inside the toilet itself was not working, the twenty (20) watt fluorescent light hanging on the ceiling outside illuminated the toilet through the iron grills (TSN, July 25, 1988, pp. 35-38; TSN, July 7, 1988, pp. 4, 11).

"At around 10:30 in the evening, Romeo Bulabog, security guard on duty at the Surigao National High School, was making his rounds, checking the premises using his flashlight and closing doors, when he noticed drops of blood on the cement floor which he traced back to the school toilet and found inside the toilet the dead body of Joselito Baltar (TSN, July 25, 1988, pp. 31-32). Romeo reported the matter to the police (Id.).

"Responding to Romeo Bulabog's report, police investigator Cpl. Cipriano Iligan, together with Pat. Jamil, Cpl. Gonzaga, Cpl. Lisondra and commercial photographer Roger Martinez, proceeded to the scene of the crime (TSN, June 1, 1988, pp. 3-6). At the Surigao del Norte National High School campus, Cpl. Iligan and his men followed the trail of blood from the school toilet and found that it led to appellant Jaralba's store which was right beside the latter's residence along the national highway (TSN, June 1, 1988, pp. 5-9). Drops of blood and other bloodstains were found on the cemented steps leading to the national road and on the door of appellant Jaralba's store (TSN, June 1, 1988, pp. 8-12). Commercial photographer Roger Martinez took pictures of the toilet, the trail of blood and of the bloodstains on the door of appellant Jaralba's store (TSN, June 1, 1988, p. 8; TSN, August 17, 1988, pp. 44-47).

"The policemen woke up appellant Jaralba's father, Jorge Jaralba, and asked the latter about the bloodstains and appellant's whereabouts (TSN, January 24, 1989, pp. 81-85). But Jorge Jaralba did not know where his son was but asked the policemen to wait while he looked for him (TSN, January 24, 1989, pp. 85-86). When he returned, Jorge Jaralba told the policemen that he could not locate appellant Antonio Jaralba (Id., p. 85).

"The following day, an autopsy was performed by Dr. Alice Ensomo-Gonzaga at the Saviour Funeral Parlor where Joselito Z. Baltar's body was taken (TSN, July 26, 1988, p. 17). She found that Joselito sustained no less than twenty three (23) wounds: seven (7) in the anterior or front part of the body (above the left eyebrow, on the mandible, on the neck and on the chest) and fourteen (14) on the posterior side or the back (TSN, July 26, 1988, pp. 17-25; Exhibit "G"). She determined the cause of death to be shock and internal hemorrhage due to multiple stab wounds (TSN, July 26, 1988, p. 22).

"On November 3, 1986, appellant Antonio Jaralba, accompanied by his father, Jorge Jaralba, went to the police station and was investigated (TSN, February 13, 1989, pp. 99-100).

"On March 6, 1987 or four (4) months and six (6) days after the incident, Diomedes Guibao decided to tell his teacher Mrs. Beltran that he witnessed the killing of Joselito Beltran (TSN, July 7, 1988, p. 6)."

Accused Antonio Jaralba denies having conspired with Jalandoni Corregidor and the unidentified person in the murder of Joselito Baltar. He testified that on October 30, 1986, he went to the comfort room of the Surigao del Norte High School. While there, he heard moanings coming from the adjoining cubicle. Curious, he took a closer look and saw a person slumped on the side thereof. Before he could clearly see the victim, a man rushed out of the

cubicle and stabbed him twice. Jaralba claims that he was hit in the palm of his right hand, below the little finger. Thereafter, he ran home and attended to his wound. Later, he went to the store of Paramede where he met his friends, namely, Virgel Tomate, Jalandoni Corregidor, Lolong Abadilla and Titing Castillo. They were drinking liquor. The store-owner, Policeman Paramede, asked him about his wound to which he replied that he was stabbed in school. On November 3, 1986, Jaralba also told his father that he was stabbed in school. His father brought him to the police station where he was investigated. He identified a written statement as the one prepared by the police investigator and signed by him (Exhibit 2, pp. 485-487).

Accused Jalandoni Corregidor likewise denies the charge against him. He claims that he was in Placer Cemetery the whole day of October 30, 1986, working on the mausoleum of former Mayor Canda, together with Dionisio and Lolong Abadilla. He testified that he left for Placer in the morning and returned to Surigao City at 7:30 in the evening. He took supper in the house of Dionisio Abadilla and went home at around 8:00 in the evening. Thereafter, he went with Andrew Abadilla to the Surigao del Norte High School at around 8:40 in the evening to attend classes. On the way home, Corregidor and Abadilla stopped and joined Antonio Jaralba and Tomate in their drinking session at the Paramede store at the capitol road, from 9:00 to 9:30 in the evening. The following day, October 31, 1986, he was picked up by the police for investigation.

As aforesaid, both the accused were convicted of the crime charged. They now assign the following as errors:

- "1. The trial court erred in ordering orally the amendment of the information after arraignment;
- "2. The trial court erred in proceeding with the trial without the accused being re-arraigned in (sic) the amended information;
- "3. The trial court erred in giving weight and credence to the testimony of Diomedes Guibao, the truth that his behavior after the alleged incident is indicative of guilt;
- "4. The trial court erred in not acquitting the accused on reasonable doubt;
- "5. The trial court erred in not giving weight and credence to the testimonies of the accused and its witnesses." (Rollo, p. 42)

Appellants seek to capitalize on the supposed grave error committed by the court a quo in orally amending the description of the victim's wounds from "lacerated" to "stab" in the autopsy report attached to the information to conform with the testimony of the examining physician. Accordingly, appellants contend that they were placed in double jeopardy for not having been re-arraigned.

It is elementary that for double jeopardy to attach, an accused must, among others, first be acquitted or convicted and is being charged anew for the very same offense for which he was previously prosecuted (Rule 117, Section 7, 1985 Rules on Criminal Procedure). Here, appellants were yet to be convicted or acquitted of the crime charged. Hence, no double jeopardy has attached. Besides, no new information was filed.

What is clear on the record is that the trial court merely ordered a change in the description of some of the victim's wounds from "lacerated" to "stab" in the information in order to conform with the description of the victim's wounds in the autopsy report. Furthermore, a re-arraignment is necessary only where the change or amendment of the information involves a mistake in the charging of the proper offense (Rule 110, Section 14, par. [2], 1985 Rules on Criminal Procedure). In the case at bar, the change in the information, i.e., the change in the description of some of the victim's wounds from "lacerated" to "stab" was not effected to correct a mistake in charging the proper offense. It did not have the effect of changing the offense charged in the information, which was, and correctly remained as, murder.

In their third assignment of error, appellants argue that the trial court should not have given credence to the testimony of eyewitness Diomedes Guibao because he allegedly harbored a grudge against appellant Corregidor. In addition, Guibao failed to reveal his knowledge of the incident until after the lapse of a considerable period of time.

Insofar as credibility is concerned, it is well settled that the findings of the trial court on credibility of witnesses merit the highest degree of respect. The trial court is the best judge of whether or not a witness is credible. Its findings on the credibility of a witness are entitled to great weight and respect and will not be disturbed on appeal unless some facts or circumstances were overlooked that will affect the outcome of the case, none of which obtain in the incident under review (*People vs. Moreno, Jr.*, 208 SCRA 87 [1992]; *People vs. Villanueva*, 211 SCRA 602 [1992]; *People v. Uy*, 206 SCRA 270 [1992]).

Still, the alleged ill-motive of Guibao against appellant Corregidor cannot be sanctioned considering that this could not logically explain why Guibao would likewise implicate appellant Antonio Jaralba and the other unidentified person. No reason has been imputed as to why said witness would implicate other persons against whom he had no grudges. In any event, the delay on the part of Diomedes Guibao in divulging the names of perpetrators of the crime neither impairs his credibility nor his testimony. The initial reluctance of Diomedes Guibao to volunteer information on a crime he witnessed and his unwillingness to be involved in criminal investigation for fear of reprisal is common and has been judicially declared not to affect the credibility of a witness (*People vs. Pascua*, 206 SCRA 629 [1992]).

As this Court emphasized in *People v. Mandapat* (196 SCRA 157 [1991]):

"As a general rule, the failure of a witness to report at once to the police authorities the crime he had witnessed cannot be taken against him (*People v. Demate*, 113 SCRA 353 [1982]) for "it is not uncommon for a witness to a crime to show some reluctance about getting involved in a criminal case. The natural reticence of most people to get involved in a criminal case is of judicial notice" (*People v. Pacabes*, 137 SCRA 158 [1985]; *People v. Coronado*, 145 SCRA 250 [1986]) and the fear of eyewitnesses when townmates are involved in the commission of the crime is understandable for they may provide reprisals from the accused (*People v. Rosario*, 134 SCRA 496 [1985]). The delay, when adequately explained, does not impair the credibility of the witness, as in the case at bar (*People v. Cabanit*, 139 SCRA 94 [1985]; *People v. Millora*, 119 SCRA 417 [1984]); neither will it render his testimony biased (*People v. Itura*, 129 SCRA 127 [1984]; nor will it destroy its probative value (*People v. Millora*, *supra*); x x x"

Neither can we lend credence to the claims of appellants that Diomedes Guibao was the real killer and that the police investigators merely framed them up. In the first place, there was not a scintilla of evidence to support the same. Allegations sans proof deserve no merit. Appellants never specified what the police investigators did or had against them. Secondly, the police officers are presumed to have regularly performed their duties in the absence of evidence to the contrary (Rule 131, Section 3 [m], Rules of Court). From the attendant circumstances, the Court sees no reason why the police officers would falsely concoct a serious charge against accused herein if they really did not commit the offense charged. Absent a showing that the police officers were actuated by improper motive, their testimonies are entitled to full faith and credit (*People vs. Fernandez*, 209 SCRA 1 [1992]).

With regard to the unsubstantiated claim of appellant Corregidor that he could not have participated in the stabbing of Joselito Baltar since he was in Placer working on the mausoleum of the Canda family, We find the same to be untenable.

In *People v. Arbolante* (203 SCRA 85 [1991]), We held that "denial, like alibi, is inherently a weak defense and can easily be defeated by the affirmative and credible testimonies of prosecution witnesses pointing to the accused as the perpetrators of the crime for which they are charged." Denial of guilt, uncorroborated by any reliable

evidence, cannot overthrow the clear and convincing testimonies of prosecution witnesses as to the culpability of the accused (*People vs. Arceo*, 202 SCRA 170 [1991]).

Furthermore, it is firmly entrenched in our jurisprudence that the defense of alibi cannot prevail over the positive testimonies of prosecution witnesses and their clear identification of the accused as the perpetrator of the crime. This is so because, as we have invariably but patiently reiterated, alibi is a defense that is inherently weak since it can easily be fabricated or contrived (*People vs. Pascua*, 206 SCRA 628 [1992]). As against the positive and clear identification by eyewitness Diomedes Guibao, appellants' defense of alibi cannot stand. It has been ruled time and again that for the defense of alibi to prosper, it must be established by clear evidence that not only must the accused be somewhere other than the place of the commission of the crime but that it was also physically impossible for him to be at the situs of the crime at the time of its commission (*People vs. Magallanes*, G.R. No. 89036, Jan. 29, 1993, citing *People vs. Urquia, Jr.*, 203 SCRA 735 [1991]).

WHEREFORE, the appealed judgment is hereby **AFFIRMED**, with the modification as to the indemnity which is hereby increased from P30,000.00 to P50,000.00. Costs against appellants.

SO ORDERED.

Romero, Melo, and Vitug, JJ., concur.
Feliciano, J., (Chairman), on leave.

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.