

THE PEOPLE OF THE PHILIPPINES, PLAINTIFF-APPELLEE, VS. EDGARDO GREFALDIA, ACCUSED-APPELLANT.

G.R. Nos. 121631-36. October 30, 1998

Ponente: ROMERO, J.

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ROMERO, J.:

Accused-appellant Edgardo Grefaldia seeks the reversal of the decision[1] dated November 10, 1994, of the Regional Trial Court of Gumaca, Quezon, Branch 61,[2] in Criminal Case Nos. 3297-G, 3298-G, 3299-G, 3300-G, 3301-G, 3302-G, convicting him of six counts of the crime of murder and sentencing him to suffer the penalty of six reclusion perpetua and to indemnify the heirs of the deceased in the amount of P50,000.00 each.

The Informations filed before the trial court which charged accused-appellant with the crime of murder read as follows:

Criminal Case No. 3297-G

"That on or about the 18th day of October 1988, at Barangay de la Paz, Municipality of Buenavista, Province of Quezon, Philippines, and within the jurisdiction of this Honorable Court, the above-named accused, armed with an armalite rifle, with intent to kill, with treachery and evident premeditation, did then and there wilfully, unlawfully, and feloniously attack, assault, and shot with the said firearm one Juan Labatete, hitting the latter on the different parts of his body, which directly caused his death.

That the accused attacked, assaulted and shot said Juan Labatete suddenly and unexpectedly without giving the latter any opportunity to defend himself or to escape.

Contrary to law."[3]

Criminal Case No. 3298-G

"That on or about the 18th day of October 1988, at Barangay de la Paz, Municipality of Buenavista, Province of Quezon, Philippines, and within the jurisdiction of this Honorable Court, the above-named accused, armed with an armalite rifle, with intent to kill, with treachery and evident premeditation, did then and there wilfully, unlawfully and feloniously attack, assault and shot with the said firearm one Maria Labatete, hitting the latter on the different parts of her body, which directly caused her death.

That accused attacked, assaulted and shot said Maria Labatete suddenly and unexpectedly without giving the latter any opportunity to defend herself or to escape.

Contrary to law."[4]

Criminal Case No. 3299-G

"That on or about the 18th day of October 1988, at Barangay de la Paz, Municipality of Buenavista, Province of Quezon, Philippines, and within the jurisdiction of this Honorable Court, the above-named accused, armed with an armalite rifle, with intent to kill, with treachery and evident premeditation, did then and there wilfully,

unlawfully and feloniously attack, assault and shot with the said firearm one Rolando Ceda, hitting the latter on the different parts of his body, which directly caused his death.

That the accused attacked, assaulted and shot said Rolando Ceda suddenly and unexpectedly without giving the latter any opportunity to defend himself or to escape.

Contrary to law."[5]

Criminal Case No. 3300-G

"That on or about the 18th day of October 1988, at Barangay de la Paz, Municipality of Buenavista, Province of Quezon, Philippines, and within the jurisdiction of this Honorable Court, the above-named accused, armed with an armalite rifle, with intent to kill, with treachery and evident premeditation, did then and there wilfully, unlawfully and feloniously attack, assault and shot with the said firearm one Jesus Labatete, hitting the latter on the different parts of his body, which directly caused his death.

That the accused attacked, assaulted and shot Jesus Labatete suddenly and unexpectedly without giving the latter any opportunity to defend himself or to escape.

Contrary to law."[6]

Criminal Case No. 3301-G

"That on or about the 18th day of October 1988, at Barangay de la Paz, Municipality of Buenavista, Province of Quezon, Philippines, and within the jurisdiction of this Honorable Court, the above-named accused, armed with an armalite rifle, with intent to kill, with treachery, and evident premeditation, did then and there wilfully, unlawfully and feloniously attack, assault and shot with the said firearm one Tomasa Camacho, hitting the latter on the different parts of her body, which directly caused her death.

That the accused attacked, assaulted and shot said Tomasa suddenly and unexpectedly without giving the latter any opportunity to defend herself or to escape.

Contrary to law."[7]

Criminal Case No. 3302-G

"That on or about the 18th day of October 1988, at Barangay de la Paz, Municipality of Buenavista, Province of Quezon, Philippines, and within the jurisdiction of this Honorable Court, the above-named accused, armed with an armalite rifle, with intent to kill, with treachery and evident premeditation, did then there wilfully, unlawfully and feloniously attack, assault and shot with the said firearm one Rogelio Maligaya, hitting the latter on the different parts of his body, which directly caused his death.

That the accused attacked, assaulted and shot said Rogelio Maligaya suddenly and unexpectedly without giving the latter any opportunity to defend himself or to escape.

Contrary to law."[8]

The six cases for murder were jointly tried. The evidence for the prosecution shows that on October 18, 1988, Domingo Camacho was in the house of his daughter, Maria Merly Camacho Labatete and her husband, Juan Labatete at Villa Batabat, Brgy de la Paz, Buenavista, Quezon, together with Jesus Labatete, the father of Juan; Rogelio Maligaya, the son-in-law of Jesus, Rolando Ceda, his son-in-law, and his wife, Tomasa Camacho. After partaking of their dinner and while guzzling beer, Domingo heard gunshots fired at the house. He then saw accused enter the house and Jesus asked why the accused was shooting at them. Without any response, the accused with his armalite rifle, shot and killed Jesus, Juan, Maria Merly, Tomasa, Rolando, and Rogelio one after the other. Domingo further testified that in order to survive, he pretended to be dead. After the accused fired at all

of the victims, he left the house. Domingo waited for a while until he was certain that the accused had gone, and thereafter went to fetch his grandson. They then went to the house of Eduardo Labatete located only few meters away from the house where the killings took place. Domingo, in his testimony, positively identified the accused, Edgardo Grefaldia, as the perpetrator of the grisly crime against his family. He testified that he was certain that it was the accused since he knew the latter since childhood.[9] He further testified that the accused has a motive for killing his family since the spouses Labatete filed a criminal case for rape and robbery against him.[10]

Eduardo Labatete, the brother of one of the victims - Juan Labatete, testified that on October 18, 1988, he was in his house at Brgy de la Paz, Buenavista, Quezon, ten meters away from the house of spouses Maria Merly and Juan, where the killings occurred. He testified that at around eight o'clock in the evening, he heard gunshots but fearful for his life, he did not venture to step outside of the house. A few minutes later, when he peeped through the window, he saw the accused, Edgardo Grefaldia, with an armalite rifle, stepping out of the house of spouses Maria Merly and Juan, and proceeding towards the road. Eduardo then went to the house of spouses Maria Merly and Juan, and there saw Domingo who told him "Wala na,"[11] meaning that his brother Juan, Maria Merly, Tomasa, his father Jesus, Rogelio and Rolando were all killed. Eduardo testified that he knew the accused since they studied together in high school and were associated in the same group. He positively identified the accused[12] as the one emerging from the house of spouses Maria Merly and Juan Labatete clutching an armalite rifle.

The death certificates of Juan Labatete, Maria Merly Camacho Labatete, Tomasa Camacho, Jesus Labatete, Rolando Ceda, and Rogelio Maligaya showed the common cause of death as cardiorespiratory arrest, cerebral hemorrhage and gunshot wounds to the skull.[13]

By way of defense, accused-appellant testified that he had just arrived in Buenavista, Quezon on December 4, 1988 when he was arrested by the police operatives and was charged for the October 18, 1988 killings in Buenavista. He denied involvement, alleging that he was in Bicol at the time of the incident and that he only went to Buenavista twice, the first in 1981 and the second, in December 1988, when he was arrested.

Accused-appellant presented as his witness, Alonzo Guerrero, a retired military officer and resident of Calauag, Quezon who testified that he saw the accused on December 4, 1988 and this was corroborated by the testimony of Alejo Larce, a military officer from Castillas, Sorsogon.[14]

The trial court rejected accused-appellant's defense of alibi and on November 10, 1988, rendered a decision finding accused-appellant guilty of murder on six (6) counts for the deaths of Juan Labatete, Maria Merly Labatete, Rolando Ceda, Jesus Labatete; Tomasa Camacho, Rogelio Maligaya. He was sentenced to six reclusion perpetua and ordered to indemnify the heirs of the victims P50,000.00 each.[15]

In this appeal, accused-appellant's main contention is that the trial court erred in giving full faith and credence to the testimony of the prosecution witnesses whose testimonies were unreliable, inconsistent and incredible and, therefore, not sufficient to sustain his conviction.

Accused-appellant argues that prosecution witness Domingo Camacho's positive identification of him was unclear and unconvincing in light of his own admission that he did not exactly see the eyes of the killer except the lower portion of his face below the eyes. He likewise questions Domingo's recollection of the incident because he was already 70 years old at the time of the ghastly occurrence and was under extreme fear of his life.[16] He further cited that there were many inconsistencies and contradictions in Domingo's testimony detailing such incidents as the exact time of the killing, where the gunfire came from, his testimony that there were several people who shot the house of his daughter and that accused used an 'armalite,' but on cross examination, he said 'baby armalite.'[17]

The Office of the Solicitor General, on the other hand, contends that the prosecution has established the identity of the accused beyond reasonable doubt on the basis of the positive identification by Domingo Camacho who was one of the survivors of the incident, and that this positive identification is certainly superior in evidence to the defense of alibi set up by accused-appellant.

We find the appeal wanting in merit.

One of the main issues raised by accused-appellant is the supposed inconsistencies in the testimony of prosecution witness Domingo Camacho. However, after a careful perusal of the records of this case, we find that the supposed inconsistent details are relatively trivial and do not affect the veracity of Domingo's testimony. This Court has held that inconsistencies in the testimonies of witnesses which refer to minor and insignificant details do not destroy their credibility. Such minor inconsistencies even manifest truthfulness and candor and erase any suspicion of rehearsed testimony.[18]

In the case at bar, the ineludible fact remains that Domingo was present at the scene of the crime and witnessed the gruesome killing of his family by accused-appellant. An eyewitness who saw the massacre of his loved ones cannot be expected to recall completely the minutiae of the incident. Different persons having different reflexes produce varying reactions, impressions, perceptions and recollections. The physical, mental, emotional and psychological conditions may also affect the recall of the details of the incident.[19] Equally important is the fact that the testimony of Domingo, positively identifying the accused appellant as the one who killed his family, was corroborated by Eduardo Labatete who saw the accused come out from the abode of spouses Maria Merly and Juan Labatete with an armalite rifle at around the time the killings took place.[20] All told, the alleged "inconsistencies" in the testimony of prosecution witness Domingo being minor do not affect the veracity of his testimony, but in fact, show its verisimilitude.

As to the issue of alibi, accused-appellant claims that he was in Bicol when the killings took place on October 18, 1988. Based on the evidence on record, the defense of alibi was correctly rejected by the trial court. For the defense of alibi to prosper, it is not enough to prove that accused was somewhere else when the offense was committed; it must likewise be demonstrated that he was so far away that it was not possible for him to have been physically present at the place of the crime or its immediate vicinity at the time of its commission.[21] In this case, although defense witnesses, Alonzo Guerrero and Alejo Larce both testified that they saw accused on December 4, 1988, this, however, does not prove that the latter was not in Buenavista, Quezon on October 18, 1988. Thus, no sufficient evidence was presented by accused to prove that he was in another place at the time of the murders on October 18, 1988. It is a well settled doctrine that alibi is a weak defense and that, accordingly, it should be rejected when the identity of accused is sufficiently and positively established by an eyewitness to the offense.[22] In this case, prosecution witness Domingo gave a complete account on the murderous assault on his family, sufficiently and positively identifying the accused, whom he had known since childhood, as the perpetrator of the crime. Moreover, prosecution witness Labatete's testimony positioned the accused at the locus criminis immediately after the occurrence.

In sum, the trial court correctly gave weight and credence to the testimonies of the prosecution witnesses, especially those of Domingo Camacho, which were the basis for the conviction of accused-appellant for six counts of murder. Well-entrenched is the rule that this Court accords great respect to the factual findings of the trial court which is in a much better position than an appellate court to properly evaluate testimonial evidence, such as observing directly the witnesses' deportment and manner of testifying, absent any palpable error or arbitrariness in their findings.[23] Moreover, there appears to be no ill motive on the part of the prosecution witnesses to falsely impute to accused appellant the crime. It was the accused, in truth who had the motive to kill the victims since spouses Maria Merly and Juan Labatete filed criminal cases for rape and robbery against him.

The conviction of accused-appellant for six (6) counts of murder was indubitably qualified by treachery. To appreciate the qualifying aggravating circumstance of treachery,[24] what should be considered is whether the perpetrator employed means and methods which tended directly and especially to insure the execution without risk to himself arising from the defense which the victims might make.[25] The essence of treachery is that the attack comes without warning and in a swift, deliberate and unexpected manner, affording the hapless, unarmed and unsuspecting victim no chance to resist or to escape.[26] In this case, accused-appellant was armed with an armalite rifle when he attacked and killed the family of Domingo Camacho who were all unarmed. The allegations of treachery charged in the Information were duly proven by the prosecution. Hence, this Court agrees with the trial court that the qualifying circumstance of treachery is attendant in the case at bar.

WHEREFORE, the appeal is hereby DISMISSED and the decision dated November 10, 1994 of the Regional Trial Court of Gumaca, Quezon, Branch 61 in Criminal Case Nos. 3297-G, 3298-G, 3299-G, 3300-G, 3301-G, 3302-G convicting Edgardo Grefaldia of the crime of murder is hereby AFFIRMED in toto.

Costs against accused-appellant.

SO ORDERED.

Narvasa, C.J., (Chairman), Kapunan, Purisima, and Pardo, JJ., concur.

[1] Rollo, pp. 47-112.

[2] Judge Proceso K. De Gala, presiding.

[3] Records (Criminal Case No. 3297-G), pp. 2-3.

[4] Records (Criminal Case No. 3298-G), pp. 1-2.

[5] Records (Criminal Case No. 3299-G), pp. 1-2.

[6] Records (Criminal Case No. 3300-G), pp. 1-2.

[7] Records (Criminal Case No. 3301-G), pp. 1-2.

[8] Records (Criminal Case No. 3302-G), pp. 1-2.

[9] TSN, May 29, 1990, p. 7.

[10] Rollo, p. 56.

[11] Ibid, p. 52.

[12] TSN, June 25, 1991, p. 5.

[13] Rollo, pp. 52; 63; 74; 85; 96; 107.

[14] Ibid, pp. 52-54; 63-65; 74-76; 85-87; 96-98; 107-109.

[15] Id, pp. 47-112.

[16] Id, pp. 159-160.

[17] Id, pp. 161-162.

[18] People v. Palomar, 278 SCRA 114, August 21, 1997.

[19] *People v. Zamora*, 278 SCRA 60, August 21, 1997; *People v. Pareja*, 265 SCRA 429, December 9, 1996.

[20] TSN, June 25, 1991, pp. 4-5.

[21] *People v. Ferrer*, 255 SCRA 19, March 14, 1996; *People v. Paglinawan*, 233 SCRA 494, June 28, 1994.

[22] *People v. Salvador*, 279 SCRA 164, September 16, 1997.

[23] *People v. Zamora*, *supra*.; *People v. Salvador*, *supra*.

[24] Article 14, Revised Penal Code.

[25] *People v. Cogonon*, 262 SCRA 693, October 4, 1996.

[26] *People v. Zamora*, *supra*.

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