

PEOPLE OF THE PHILIPPINES, PLAINTIFF-APPELLEE, VS. ISAIAS GLINOGO ALIAS “BEBOT GURANG”; AND RUEL RIVERA ALIAS “RUEL AUGUIS”; ALIAS ACCUSED, RUEL RIVERA ALIAS “RUEL AUGUIS”; ALIAS “...

G.R. Nos. 73978-80. April 26, 1989

Ponente: PARAS, J.

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PARAS, J.:

The two accused were charged with two counts of Murder and with Frustrated Murder in connection with the deaths of Alberto Camasora and Armando Aguilar and the injuries sustained by Baltazar Galve. The two murder charges riled with the Regional Trial Court of General Santos City were respectively docketed as Criminal Case Nos. 3713 and 3714, while the charge of frustrated murder was docketed as Criminal Case No. 3715. In a consolidated decision, the trial court, while dismissing the allegation of conspiracy, ordered.

"WHEREFORE, IN VIEW OF THE FOREGOING, verdict is hereby rendered:

'1) In Criminal Case No. 3713, for Murder, finding the accused Ruel Rivera, alias 'Ruel Baguis', 'Ruel Buguis', guilty beyond reasonable doubt of the crime of Murder, with the generic aggravating circumstance of night time and without any mitigating circumstance hereby sentences him to suffer the penalty of Reclusion Perpetua, to indemnify the offended party in the amount of P15,000.00 and to pay the cost:

'Accused Isaias Glinogo, alias 'Bebot Gurang' is hereby acquitted for insufficiency of evidence in Crim. Case No. 3713:

2) In Criminal Case No. 3714, for Murder, finding the accused Isaias Glinogo, alias 'Bebot Gurang' guilty beyond reasonable doubt of the crime of murder, with the generic aggravating circumstance of night time, without any mitigating circumstance, hereby sentences him to suffer the penalty of Reclusion Perpetua to indemnify the offended party in the amount of P15,000.00 And to pay the cost.

'For lack of proof of the guilt of the accused Ruel Rivera, alias 'Ruel Baguis', alias 'Ruel Auguis' beyond reasonable doubt, he is hereby acquitted in Crim. Case No. 3714:

'3) In Criminal Case No. 3715 for Frustrated Murder for insufficiency of evidence and for a reasonable doubt both accused Isaias Glinogo, alias 'Bebot Gurang' and Ruel Rivera alias 'Ruel Baguis', alias 'Ruel Auguis', are hereby acquitted, with costs de oficio.

"SO ORDERED." (p. 15, Rollo)

From the above rulings, the accused appellant Ruel Rivera, appealed to this Court arguing that his guilt was not proven beyond reasonable doubt.

The Court a quo summarized the evidence of the parties as follows:

For the prosecution:

"1) Baltazar Galve, a resident of Lambangal General Santos City, declared that he knew personally Alberto Camasora and Armando Aguilar for they were all neighbors at Lambangal, General Santos City; that on January 12, 1984, at around 8:30 p.m. they went to see a movie after which they went home passing the bridge at Silway and while thereat he was stabbed by Loloy Padilla while his companion. Armando Aguilar was stabbed by Isaias Glinogo alias 'Bebot Gurang' and Alberto Camasora was stabbed by Loloy Padilla and Ruel Rivera alias 'Ruel Baguis', Armando Aguilar died right at the bridge while Alberto Camasora died at the Doctor's Hospital five days thereafter: that he was also treated in the Doctor's Hospital by Dr. Venancio Yap (Exhibit 'A'), and he has executed a sworn statement in connection with the case (Exhibit 'B'. (TSN. pp. 3-13, March 13, 1985).

"2) Jose Alvarado, a retired City Health Officer, General Santos City, testified that he remembers having conducted an autopsy on the cadaver of Armando Aguilar on January 13, 1984 (Exhibit 'C '); that the stab wound he found on the body of Armando Aguilar serious which caused the death of the victim that the stab wound penetrated the vital organ of the body which caused hemorrhage inside the chest, cavity and that stab wound was the only injury found in the body of the victim. (TSN. pp. 21,26, March 21, 1985).

"3) Lolita Aguilar, mother of the victim Armando Aguilar, declared that she was the one who got the death certificate of her son from the City Health Officer; that as a result of the death of her son she incurred medical expenses in the amount of P1,700.00 (Exhibit 'E') and P1,000.00 for the tomb. (TSN, pp. 29-32, April 11, 1985). (p. 10, Rollo)

On the other hand, the witnesses for the defense essentially testified:

"1) Wendelyn Palmetos, an ICHDF, declared that while he, Isaias Glinogo and Ruel Rivera were guarding as members of the ICHDF, in the house of Benhur Bartolo, there was a stabbing incident at the Silway Bridge, but he does not know the persons who stabbed nor the persons stabbed; that he came to know only of the stabbing when two wounded persons went to the house of Benhur Bartolo asking for help; that they helped them by bringing the wounded persons to the Doctor's Hospital, one of whom was Mr. Galve. He and Ruel Rivera helped them ride in the tricycle to the Doctor's Hospital; that Silway Bridge is about One Hundred (100) meters away from the house of Benhur Bartolo. (TSN, pp. 37-41, June 11, 1985).

"2) Accused Ruel Rivera testifying in his behalf declared that at around 6:00 p.m., January 12, 1984, he was at their house from the basketball court, after which he went to the house of Benhur Bartolo; that while thereat he came to know of the stabbing incident at the Silway bridge, thru one of the wounded persons Mr. Galve who went to the house of Benhur Bartolo to ask for help and they helped them ride in the tricycle to the Doctor's Hospital. (TSN, pp. 46-48, June 11, 1985).

"3) Accused Isaias Glinogo, testified that in the evening of January 12, 1984, he was assigned as guard in the house of Benhur Bartolo because he was a member of the ICHDF at the time; that while guarding thereat he came to know of a stabbing incident at the Silway bridge when Baltaar Galve who was wounded went to the house of Benhur Bartolo to ask for help, and he (Galve) was brought to the Doctor's Hospital; that he does not know who were involved in the stabbing incident. (TSN, pp.54-56, June 11, 1985).

"4) Celso Sta. Ana, Physician Surgeon, General Santos City, declared that on January 12, 1984, he remembered having treated Alberto Camasora of a stab wound at the epigastric area which stab wound penetrated the stomach, the left kidney and down to the aluminous, caused by a sharp bladed Instrument; that he was operated the next day, but inspite of medical treatment he died on January 17, 1985, in the hospital. (TSN, pp.3-6, April 10, 1985). (pp. 10-11, Rollo)

The accused-appellant invokes alibi in his defense. It is his claim that at the time the crimes were committed, he, together with some friends, was guarding the house of one Benhur Bartolome, which house happens to be only

100 meters from the Silway Bridge, the place where the victims were stabbed. To establish alibi as a defense, it must be shown that it was impossible for the accused to have been at the place where the crime was committed (People v. Perente, Jr. 143 SCRA 56; People v. Abigan, 144 SCRA 130; People v. Coronado, 145 SCRA 250). Likewise, the defense of alibi may not be successfully invoked where the identity of the assailant has been established by the witnesses (People v. Monteverde, 142 SCRA 668; People v. Palma, 144 SCRA 364). Against the preceding criteria, the accused's alibi cannot be possibly given weight. It must be noted that the house of Benhur Bartotome, which the accused was allegedly guarding with his companions at the time the crimes were committed, is only 100 meters from the Silway Bridge. As such, could have been very easy for the accused to go the bridge in wait, pounce upon the victim, and return to the said house of Bartolome immediately after. Furthermore, the identities of the accused, specifically the accused-appellant Ruel Rivera, were established beyond question by prosecution witness Baltazar Galve. As the trial court found:

"To prove their case, the prosecution presented the only and lone eyewitness to the commission of the crimes charged in the information, in the person of Baltazar Galve, also the offended party in Crim. Case No. 3715, for Frustrated Murder. This witness categorically declared that he knew personally the accused Ruel Rivera, alias 'Ruel Auguis' alias 'Ruel Baguis', because he had always been in company with him before the incident and he recognized him as the one who stabbed the victim Alberto Camasora (Crim. Case No. 3713, for Murder)... While the stabbing incident happened at around 8:30 in the evening, the said witness recognized the said accused as the perpetrators of the crimes because of the electric light bulb at the Silway Bridge which facilitated the identity of the accused. We consider the evidence amply sufficient to establish the identity of the accused as the ones who committed the crimes in question. (Decision, pp. 11-12, Rollo)

Contrary, therefore, to the accused-appellant's claim, his identity was clearly established as one of the victims, attacker.

Likewise, there is created in Our mind a moral certainty as accused appellant Ruel Rivera 's criminal liability with suspect to Alberto Gamasora's death. Again Baltazar Galve categorically testified.

Q What about this Alberto Camasora, what happened to him?

A While I was stabbed. Berto went near to me and he was also stabbed.

Q And do you know who stabbed Alberto Camasora?

A Yes, sir. It was Loloy Padilla.

Q What about this Ruel Auguis, what did he do, if you have seen him?

A He stabbed Berto Camasora also.

Q When this Ruel Rivera alias Ruel Auguis, stabbed Alberto Camasora, was the later hit?

A Yes, sir.

Q Where was Alberto Camasora hit?

A On his stomach, sir (p. 11, Plaintiff/Appellee's Brief)

This testimony of Mr. Galve was substantially corroborated by Dr. Celso Sta. Ana, a witness for the defense, when he testified that Alberto Camasora sustained a stab wound at the epigastric area. While Mr. Galve failed to clearly establish the participation of a certain Loloy Padilla in the stabbing of Alberto Camasora, accused-appellant Ruel Rivera's role was distinctly narrated. This only shows that it is the accused-appellant who must bear the consequences set by law for the killing of Alberto Camasora.

WHEREFORE, the Decision appealed from is hereby **AFFIRMED** with the sole **MODIFICATION** that the offended parties in Crim. Case No. 3713 for Murder, be indemnified with the amount of P30,000.00 instead of P15,000.00, for the death of Alberto Camasora as correctly recommended by the Solicitor General.

SO ORDERED.

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

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