

THIRD DIVISION

[G.R. No. 173282, March 04, 2008]

**JOSE INGAL y SANTOS, Petitioner, vs. PEOPLE OF THE
PHILIPPINES, Respondent.**

D E C I S I O N

CHICO-NAZARIO, J.:

Assailed before Us is the Decision^[1] of the Court of Appeals in CA- G.R. CR.-H.C. No. 01056, dated 31 August 2005, which affirmed *in toto* the decision^[2] of the Regional Trial Court (RTC) of Manila, Branch 2, convicting petitioner Jose S. Ingall of the crime of murder.

For the death of one Rolando N. Domingo a.k.a. Toto, petitioner was charged with murder in an information which reads:

That on or about March 2, 1987, in the City of Manila, Philippines, the said accused, conspiring and confederating together with one RICARDO LIDOT who has already been convicted of the said offense under Crim. Case No. 87-53676 with RTC of Manila, Branch V, and with others whose true names, identities and present whereabouts are still unknown and helping one another, taking advantage of their superior strength, did then and there willfully, unlawful and feloniously, with intent to kill, and with treachery and evident premeditation, attack, assault and use personal violence upon the person of one ROLANDO DOMINGO y NALANGAN @ TOTO by then and there stabbing the latter on different parts of his body with a deadly weapon, thereby inflicting upon him mortal stab wounds which were the direct and immediate cause of his death thereafter.^[3]

When arraigned on 27 September 1994, petitioner, with the assistance of counsel *de oficio*, pleaded not guilty to the crime charged.^[4]

The prosecution presented the following witnesses, namely: (1) Myrna Nalangan Domingo;^[5] (2) Aida Bona;^[6] (3) Rosalinda Tan;^[7] (4) Dr. Marcial G. Ceñido;^[8] (5) SPO2 Leon Salac, Jr.;^[9] and (6) PFC Benjamin C. Boco.^[10]

Myrna Nalangan Domingo, the mother of the victim, testified that her son was a nineteen-year-old student when he died on 2 March 1987. She said she was at home when she learned that her son was stabbed and was brought to the Mary Johnston Hospital. Upon learning of the news, she immediately went to the hospital to see her son. She said her son was still alive when she arrived in the hospital, but he eventually passed away that same day. She said she incurred hospital and funeral expenses. The death of her son caused her anguish and pain.

The next witness for the prosecution was Aida Bona, a resident of Perla Street,

Tondo, Manila, and the owner of the *carinderia* where the stabbing took place. She narrated that at around 9:00 p.m. of 2 March 1987, she was in front of her *carinderia* and the victim, Rolando Domingo, nicknamed Toto, was eating thereat. While Toto was eating, petitioner Jose Ingal approached him, pulled his hair and repeatedly stabbed him. She was around an arm's length away from Toto when he was stabbed. After petitioner stabbed Toto, he just walked away as if nothing happened. She shouted for help but nobody came to help. She said she was certain the assailant was the petitioner because of the right mole on his eyelid. She added she did not see anyone helping the petitioner when he stabbed the victim. Aside from the victim, only she, Rosalinda Tan, and the girlfriend of the victim were in the *carinderia*.

Mrs. Bona explained she gave her first written statement about the incident on 26 August 1994. On the night of the incident, she told the police about the appearance of the suspect. What she revealed was reduced into writing but she did not sign it and told the police she would sign the same only if the suspect would be apprehended. She said she first saw the petitioner on 2 March 1987 and saw him the second time when he was arrested on 26 August 1994.

Rosalinda Tan, a helper at the *carinderia* of Mrs. Bona, testified that at around 9:00 p.m. of 2 March 1987, she was attending to the needs of the customers in the *carinderia*. A person, later identified as the petitioner, came to the *carinderia* and stabbed Rolando Domingo. She disclosed she was in front of the victim, about two meters away, when petitioner placed a towel on the neck of the victim and stabbed him thrice. Petitioner thereafter removed the towel and walked away towards the end of Perla Street. Like Mrs. Bona, she executed a sworn statement when petitioner was arrested. She explained that only one person stabbed the victim.^[11]

Former Medico-Legal Officer of the Western Police District (WPD) Dr. Marcial G. Ceñido testified that on 3 March 1987, he conducted the autopsy on Rolando Domingo's body which was identified ^[12] by the latter's sister, Nympha Mationg. He said the victim suffered four stab wounds, two of which were penetrating and fatal. The first wound was non-penetrating and located at the right upper thorax, right chest. The second one was penetrating and located at the left cheek on the left side. The third one penetrated the left anterior while the fourth was non-penetrating at the back. He said the bladed weapon used was a *tres cantos*. The primary cause of death was a penetrating stab wound on the chest. He issued Autopsy Report No. W-87-167^[13] and the victim's Certificate of Death.^[14]

The testimony of Solomon Batallar, member of the WPD, was dispensed with when the parties stipulated that his testimony would show that he accompanied the mother of the victim to the residence of the petitioner, and that the petitioner was brought to the police station.

Testifying next for the prosecution was SPO2 Leon Salac, Jr., a member of the WPD Command assigned to the Homicide Section. He testified that on 27 August 1994, he was assigned as an investigator in the Special Team of the WPDC that handles cases pertaining to crimes against persons. He remembered handling the case involving the murder of Rolando Domingo in which the suspect was the petitioner. He said he prepared documents - Progress Report dated 27 August 1994 and the statements of witnesses - and thereafter placed the petitioner under arrest.

However, he was not the one who took the statements of Aida Bona and Rosalinda Tan.

The other witness was Benjamin C. Boco, retired Police Inspector of the WPD assigned to the Homicide Section. He recounted that on 3 March 1987, he received a call from a certain Mr. Garrote, a Security Guard of Mary Johnston Hospital, informing him that a stabbing victim died. Upon receipt of said information, he proceeded to the hospital and saw the victim at the morgue. The victim was Rolando Domingo. He thereafter went to the crime scene and talked to Aida Bona, the owner of the *carinderia* where the stabbing happened. Mrs. Bona told him that the victim was eating in her *carinderia* when the suspect, Jose Ingal, suddenly arrived and stabbed the victim. Boco said he tried to get a written statement from Mrs. Boco who declined and told him that she would be willing to give her statement upon the apprehension of the suspect. Boco said he then went to a certain house where the suspect was allegedly hiding, but the suspect was not there. So, he went back to the office and prepared an Advance Report.^[15]

The prosecution formally offered Exhibits "A" to "G," inclusive, with sub-markings which the trial court admitted.^[16]

For the defense, the following took the witness stand: (1) Juanito Yang; ^[17] (2) SPO1 Loreto A. Concepcion;^[18] (3) Ricardo de Leon;^[19] (4) petitioner Jose Ingal;^[20] and (5) Remedios A. Ibajo.^[21]

Sgt. Juanito Yang, retired police officer, testified that on 3 April 1987, he was assigned to the Command of Investigation Follow-up Unit, Homicide Section of the WPD. He was assigned a case involving the murder of Rolando Domingo in which there were four suspects, namely: Ricardo Lidot, a certain Joseph and two others. In the Progress Report^[22] dated 3 April 1987 that he prepared, it is stated that Ricardo Lidot admitted to him that he (Lidot) stabbed Rolando Domingo. He likewise prepared the Booking and Information Sheet^[23] of Ricardo Lidot alias Carding Daga. He revealed it was Lidot who told him there were three more suspects.

SPO1 Loreto A. Concepcion of the WPD Homicide Section declared that on 31 March 1987 he, then a Patrolman, took and prepared the statement^[24] of Gina dela Cruz regarding the murder of Rolando Domingo.

Ricardo de Leon, a laborer, testified that on 2 March 1987, he was a resident of Perla Street, Tondo, Manila. At around 9:00 p.m. of said date, he was about to buy food at the *carinderia* of Aling Bona at Perla St. While he was approaching the *carinderia*, he saw Rolando Domingo a.k.a. Toto, with a lady companion eating in the *carinderia*. He saw the group of Joseph, Ricardo Lidot a.k.a. Carding Daga and two others arrive. Joseph and Carding Daga entered the *carinderia* with the latter handing a *tres cantos* to the former, while the other two stood as lookouts. He saw Joseph approach Toto and stab the latter three times with the *tres cantos*. De Leon said he was five arm's length away when Carding Daga gave the weapon to Joseph. After the stabbing of Toto, he heard the four agree that they would meet at Smokey Mountain. Thereafter, the four left.

De Leon said it is not true that Jose Ingal stabbed Rolando Domingo, because Ingal

was not there in the *carinderia*. Joseph, De Leon insists, is not Jose Ingal. De Leon did not tell anybody that he saw the stabbing incident. This was the first time he divulged that he witnessed the crime. He broke his silence and decided to testify because his sister requested him to do so.

Petitioner Jose Ingal testified for his defense. He narrated that on 2 March 1987, at around 9:00 p.m., he was in his place of work in Navotas. His work was to deliver fish to Divisoria every night. He reported for work before 8:00 p.m. and at around midnight, he, together with five others, delivered fish at Elcano St., Divisoria. He finished his delivery at around 7:00 a.m. of 3 March 1987. During the time he reported for work up to the time he finished his job, he said he did not go anywhere.

Ingal said that he knew Rolando Domingo to be a loafer, and that he only learned what happened to Domingo a day after the latter was stabbed to death. He came to know that a certain Joseph stabbed the victim. Ingal disclosed that his only nickname is Joe. He explained that upon learning of the death of Domingo, he still stayed in his house at Coral St., Tondo, for two months before transferring to Dagupan, Tondo. From the time Domingo was stabbed until petitioner was arrested in 1994, the latter worked as a delivery man of fish and never lived outside of Tondo.

Ingal testified he did not know Ricardo Lidot alias Carding Daga. He likewise disputed the declarations of Mmes. Aida Bona and Rosalinda Tan that he was the one who stabbed Rolando Domingo. He first saw Mrs. Bona when she testified in court, while it was at the police headquarters that he first saw Mrs. Tan. He did not know any reason why these two women testified against him.

Ingal disclosed that it took him twenty minutes by jeepney to travel from his residence to his place of work in the Navotas Fish Port, and that Elcano St. where he delivered fish on 2 March 1987 was only one ride away from his house. After finishing delivery at 7:00 a.m. of 3 March 1987, he went home and slept. He learned of the stabbing incident three days after from his neighbor. He denied he was called Bobot or Joseph.

Remedios Ibajo testified that on 2 March 1987, she was a resident of 85 Quezon St., Tondo, Manila. She said she had known petitioner Ingal for a long time prior to 2 March 1987. She narrated that on said date, at around 9:00 p.m., she was in the *carinderia* of Aling Bona which was located in Perla St., Tondo, Manila. While looking at the food being sold there, she noticed a man (whom she later learned was named Toto) and a woman eating in the *carinderia*. She then saw two persons, who arrived together, approach Toto. One of them tapped the shoulder of Toto and told him "*Sumama ka sa amin.*" Toto did not answer. The one who tapped the shoulder of Toto asked his companion - whom she knew to be Carding Daga - for a weapon. This Carding Daga drew a *tres cantos* from his waist and handed it to another person. Upon receiving the weapon, the person who tapped the shoulder of Toto stabbed the latter three times. Mrs. Ibajo said she was two to three feet away from the victim who was on her left. She saw that Carding Daga and the person who stabbed the victim had two more companions who waited at the corner. The two who approached the victim went toward the two persons in the corner and told them, "Let us go and see each other at Smokey Mountain." Then they walked away as if nothing happened. Toto was picked up by his lady companion, was placed in a pedicab, and was taken to the hospital.

Mrs. Ibajo explained that she knew the petitioner because she knew his relatives. She bared that this was the first time she revealed what she knew about the stabbing incident. She did not see Jose Ingal at the *carinderia* before or after 9:00 p.m. She added that her residence in March 1987 was only a block away from the crime scene.

After formally offering Exhibits "1" to "5," inclusive, with sub-markings, and with the admission thereof by the trial court, the defense rested its case.^[25]

As rebuttal witnesses, the prosecution presented (1) Rosalinda Tan^[26] and (2) Elizabeth R. De Paz.^[27]

Rosalinda Tan took the witness stand anew as rebuttal witness. She said she did not know any person by the name of Remedios Ibajo. She had known Aida Bona long before the stabbing incident, the latter was fondly called Aida, and there was no instance when the former was called *Aling* Bona.

Elizabeth R. De Paz, *Punong Barangay* and resident of 94 Quezon Street, Tondo, Manila, testified she had been residing in Quezon St. since 1962. As *Punong Barangay* in said place, she issued a Certification^[28] stating that Remedios Ibajo had not been a resident of 85 Quezon St., Tondo, Manila. Said address was only four houses away from her residence. She did not know anybody by that name, the owner of the house told her that the place had never been rented or leased, and no Remedios Ibajo lived there. She added that she knew the residents in their place, because they had a census in their *barangay*.

On 29 January 1999, the trial court convicted petitioner of murder in a decision, the dispositive portion of which reads:

WHEREFORE, premises considered, the Court finds the accused Jose Ingal y Santos guilty beyond reasonable doubt of the crime of Murder defined and penalized under Article 248 of the Revised Penal Code and hereby sentences him to suffer the indeterminate penalty of imprisonment ranging from EIGHTEEN (18) YEARS, TWO (2) MONTHS and TWENTY-ONE (21) DAYS as minimum to TWENTY (20) YEARS of *reclusion temporal* in its maximum period as maximum.

Since accused Jose Ingal is detained, in the service of his sentence, he shall be credited the full period of his temporary detention.

It is likewise ordered that the accused be transmitted to the National Bureau of Prison thru the Philippine National Police (PNP) pursuant to the Supreme Court Resolution En Banc laid down in the case of People vs. Ricardo C. Carlos (GR-92860, October 15, 1991) cited in the case of People vs. Crescencia C. Reyes, En Banc, GR-101127-31, August 7, 1992.

^[29]

The trial court gave credence to the testimonies of the prosecution witnesses Aida Bona and Rosalinda Tan *vis-à-vis* petitioner's defenses of denial and alibi. Mrs. Bona, the owner of the *carinderia* where the stabbing happened, informed the authorities that petitioner was the one who stabbed Rolando Domingo and said that she would