

FIRST DIVISION

[G.R. Nos.120493-94/117692, December 02, 1999]

PEOPLE OF THE PHILIPPINES, PLAINTIFF-APPELLEE, VS. JULIO OCUMEN Y SALUDARES, ACCUSED-APPELLANT.

D E C I S I O N

YNARES-SANTIAGO, J.:

After a heated altercation with Alex Espanto and Juanito Bibat, Julio Ocumen y Saludares allegedly pulled out a knife and went berserk during a wedding celebration in the evening of October 28, 1989. In the ensuing uproar, he plunged the knife into the back of one Mary Jane Bueno who was then fourteen (14) years old and fatally stabbed one Jesus Ilasin in the stomach.

For plunging the knife at Mary Jane Bueno's back, Julio Ocumen y Saludares was indicted for Frustrated Murder in Criminal Case No. 1774 in an Information^[1] alleging -

"That on or about 9:00 o'clock in the evening of October 28, 1989, at Brgy. Aggub, Municipality of Solano, Nueva Vizcaya, Philippines and within the jurisdiction of this Honorable Court, the above-named accused, with intent to kill and by means of treachery and taking advantage of superior strength, did then and there wilfully, unlawfully and feloniously attack, assault and stab the back of Mary Jane Bueno with a knife which would have caused the death of the latter, thus performing all the acts of execution which would produce Murder as a consequence but which nevertheless did not produce it by reason of causes independent of the will of the perpetrator, that is the timely medical attendance extended to the victim which prevented her death, but nevertheless resulted to her damage and prejudice."

while for the fatal stabbing of Jesus Ilasin, he was charged with Murder in Criminal Case No. 1778 in an Information^[2] which avers -

"That on or about 9:00 o'clock in the evening of October 28, 1989, at Brgy. Aggub, Municipality of Solano, Nueva Vizcaya, Philippines, and within the jurisdiction of this Honorable Court, the above-named accused, with intent to kill and by means of treachery and taking advantage of superior strength, did then and there wilfully, unlawfully and feloniously attack, assault and stab Jesus Ilasin with a bladed knife causing his instantaneous death, to the prejudice of his heirs."

Upon arraignment, accused pleaded not guilty to both charges.^[3] The two cases were thereafter consolidated and tried on the merits.^[4]

After trial, the court *a quo* rendered judgment,^[5] the dispositive portion of which reads:

"WHEREFORE, finding accused Julio Ocumen y Saldares GUILTY beyond reasonable doubt of the offense of Frustrated Murder and Murder, respectively, the said accused is hereby sentenced as follows: In Criminal Case No. 1774, accused Ocumen is hereby sentenced to suffer the penalty of 13 years and one (1) day to 16 years of *reclusion temporal*, to pay the victim the sum of P25,000.00 as actual damages, P15,000.00 as moral damages, P10,000.00 as exemplary damages and to pay the costs of the suit. In Criminal Case No. 1778, Julio Ocumen y Saldares is hereby sentenced to suffer the penalty of *reclusion perpetua*, to pay the heirs of Jesus Ilasin the sum of P45,000.00 as actual damages, P50,000.00 as civil indemnity, P20,000.00 as moral damages and P15,000.00 as exemplary damages and to pay the costs of the suit.

SO ORDERED."^[6]

Dissatisfied, accused-appellant interposed this appeal ascribing a lone assignment of error which insists that –

THE LOWER COURT ERRED IN CONVICTING THE ACCUSED-APPELLANT FOR MURDER AND SENTENCING HIM TO RECLUSION PERPETUA INSPITE OF THE ABSENCE OF THAT QUANTUM OF PROOF NECESSARY TO OVERTHROW THE CONSTITUTIONAL PRESUMPTION OF INNOCENCE.^[7]

The prosecution's version of the incident is summed thus by the Solicitor General in the People's brief:

"In the evening of October 28, 1989, [at] about 9:00 p.m., Camila Bueno, the prosecution's main witness, was entertaining guests attending her daughter's wedding celebration inside a saloon, fronting their house, at Aggub, Solano, Nueva Vizcaya. While busying herself during the affair, she was abruptly informed by her niece, Adelaida Bueno, of a commotion taking place nearby. Camila saw appellant Julio Ocumen argue heatedly with Alex Espanto and Juanito Bibat. Knowing appellant to be related to her new son-in-law, Camila approached them to pacify them. But before she could intervene, appellant charged wildly at Espanto and Bibat, who both ran away. At this point, appellant pulled out a knife and went after the duo.^[8]

Mary Jane Bueno, Camila's daughter, then 14 years of age, unaware of the commotion, was at the time walking towards the dancing saloon when she was suddenly stabbed from behind by appellant. Mary Jane screamed and was immediately embraced by her mother, Camila, who from a distance of about four (4) meters, because of the surprising turn of events, helplessly watched as appellant stabbed her daughter. Mary Jane had a glimpse of appellant who was running towards the mini-park outside their house.^[9]

Appellant went berserk and, chancing upon another victim, Jesus Ilasin, at the mini-park, stabbed him in the stomach near the navel.^[10]

Camilla immediately carried her wounded daughter to a tricycle and had her brought to a nearby clinic. At the clinic, they were advised to proceed to the Provincial Hospital as it did not possess adequate facilities to treat the wounds sustained by Mary Jane. Timely medical assistance in the Nueva Vizcaya Provincial Hospital saved Mary Jane's life.^[11]

Ilasin, the other victim, was also rushed to the Provincial Hospital but was pronounced dead on arrival.^[12]

The Post-Mortem Report, issued by Dr. Antonio R. Labasan, reveals the following:

Stab Wound, Penetrating, 1 inch length, midclavicular line,

Subcostal margin, lacerating the body of the stomach with mesenteric blood vessel severed.

Immediate Cause of Death: Internal Hemorrhage, 2 stab wounds.

The testimonies of Dr. Labasan and of Dr. Reynaldo de la Cruz who issued the Certificate of Death^[13] were dispensed with during the trial, as the defense admitted the death of the victim, including its underlying cause."^[14]

On the other hand, accused-appellant flatly denied having anything to do with the incident claiming that he was nowhere near the *locus criminis* at the time of its occurrence. As culled from his testimony, he was in Manila working as a carpenter and a mason in a construction company, which had an ongoing project at Ayala-Alabang, at the time and date of incident.^[15] He claimed that he started working with the construction firm on April 12, 1988 and came home to Villaverde, Nueva Vizcaya only on September 17, 1991.^[16]

Accused-appellant's story was corroborated by Roger Seridon, accused's barriomate and childhood friend, who testified that he and accused-appellant went to Metro Manila on April 12, 1988 where they were employed as construction workers.^[17] They stayed there up to September 1991 boarding at the house of one Domingo Portaliza at 109 P. Burgos St., Poblacion, Muntinlupa, Metro Manila.^[18] Seridon declared that accused-appellant reported for work at the construction site in Ayala-Alabang on October 27 and 28, 1989^[19] and further stated that during the time of their employment as construction workers in Manila, they only went home during the Christmas holidays having done so at least four times.^[20]

In support of accused-appellant's alibi, his mother, Juliana Ocumen, averred that she was in Manila on that fateful date of October 28, 1989 to deliver accused-appellant's supply of rice so that he would not buy rice anymore.^[21] Like accused-appellant and Roger Seridon, she maintained that accused-appellant started working as a construction worker in Manila together with Seridon, one Tino de la Cruz and some others since April 12, 1988.^[22] She additionally declared that her son stopped

working as a laborer in Manila on September 17, 1991.^[23]

In sum, accused-appellant assails the credibility of Camila Bueno “testifying as the lone eyewitness”^[24] whose testimony dwelt mainly on her daughter’s case. According to him, Camila could not have witnessed either the stabbing of Jesus Ilasin or that of Alex Espanto at the mini-park because she was “so engrossed in her daughter’s condition.”^[25] Thus, her ‘inconclusive’^[26] declaration that he fatally stabbed Jesus Ilasin falls short of positive identification and is not sufficient to overthrow the constitutional presumption of innocence.

We disagree.

No rule in criminal jurisprudence is more settled than that alibi is the weakest of all defenses and should be rejected when the identity of the accused has been sufficiently and positively established by eyewitnesses to the crime.^[27] In other words, alibi can not prevail over the positive identification of the accused by the prosecution eyewitnesses.^[28] Assuming *arguendo* that Camila Bueno’s testimony is indeed uncorroborated, her lone testimonial declarations does not make them any less credible. This Court has consistently stated, time and again, that the testimony of a single witness, if positive and credible, will suffice to sustain a judgment of conviction even in a charge for murder.^[29] In the case of *People v. Romeo Hillado*^[30] we ruled that –

“...[W]ell-settled in our jurisprudence is the principle that the testimony of a single witness, if straightforward and categorical, is sufficient to convict.^[31] Thus, the testimony of a lone eyewitness, if found positive and credible by the trial court, is sufficient to support a conviction especially when the testimony bears the earmarks of truth and sincerity and had been delivered spontaneously, naturally and in a straightforward manner.^[32] Witnesses are to be weighed, not numbered.^[33] Evidence is assessed in terms of quality not quantity. Therefore, it is not uncommon to reach a conclusion of guilt on the basis of the testimony of a lone witness. For although the number of witnesses may be considered a factor in the appreciation of evidence, preponderance is not necessarily with the greatest number and conviction can still be had on the basis of the credible and positive testimony of a single witness.”^[34]

Camila Bueno, whose testimony in open court was uncontradicted, positively pointed to accused-appellant as the assailant who stabbed her daughter and Jesus Ilasin on that fateful night of October 28, 1989. On direct examination, she testified as follows:

“Q You stated Madam that you are a resident of Aggub, Solano, Nueva Vizcaya; tell the Court Madam, where you were at around 9:00 o’clock in the evening of October 28, 1989?

A I was inside the dancing place, sir.

Q And where is that dancing saloon located?

A In front of our house, sir.

Q What were you doing there in the saloon which is located in [front of] your house on October 28, 1989, if any?

A I am entertaining my visitors, sir.

Q Was there an occasion on that night on October 28, 1989?

A I was the hostess of the wedding celebration, sir.

Q While you were in the saloon as hostess entertaining visitors, what happened?

A My niece called me and made a sign that there was a trouble (*sic*), sir.

Q And what is the name of your niece?

A Adelaida Bueno, sir.

Q What did you do when your niece called your attention?

A I went to the place where the trouble was, sir.

Q When you went to the place where the trouble was, what did you find out if any?

A I went in between these three (3) persons, sir.

Q Who were these three (3) persons which (*sic*) you mentioned?

A Julio, Alex Espanto and Juanito Bibat, sir.

COURT:

Q Who is this Julio? what is his family name?

A Ocumen, sir.

Alright proceed.

PROS. ORDONEZ:

Q And what were these three (3) persons doing when you proceeded to the place where they were?

A They were exchanging words with each other, sir.

Q And what happened next after you saw these three (3) persons exchanging words?

A I pacified them, sir.