

SECOND DIVISION

[G.R. No. 116748, June 02, 1997]

**PEOPLE OF THE PHILIPPINES, PLAINTIFF-APPELLEE, VS.
MARJORIE CASTILLO, ACCUSED-APPELLANT.**

D E C I S I O N

REGALADO, J.:

Accused-appellant Marjorie Castillo was charged with the complex crime of murder with frustrated murder before Branch 26 of the Regional Trial Court of Surallah, South Cotabato on December 27, 1991 in Criminal Case No. 1143-S. The information narrated the events surrounding the commission of the crime and is best reproduced hereunder:

That on or about the 27th day of November, 1990, at Crossing Sebastian, Barangay Lambontong, Municipality of Surallah, Province of South Cotabato, Philippines, and within the jurisdiction of the Honorable Court, the abovenamed accused, armed with a long barrel twelve gauge shotgun, in company with persons whose identities and whereabouts are unknown, with intent to kill, and abuse of superior strength, did then and there willfully, unlawfully and feloniously attack, assault and with the use of said firearms, shoot once ELMA BAULITE who was then holding her daughter GEMMA BAULITE, hitting and wounding GEMMA BAULITE at the abdomen, and as a consequence thereof GEMMA BAULITE died thereafter and also hitting ELMA BAULITE at the upper anterior right arm, thus, performing all the acts of execution which would have produced the crime of murder as a consequence, but which, nevertheless, did not produce it due to the timely and able medical attendance given to ELMA BAULITE, which prevented her death.

CONTRARY TO LAW, with the aggravating circumstance that the crime was committed at the dwelling of the offended party who did not give provocation.^[1]

Appellant, duly assisted by counsel from the Public Attorney's Office, pleaded not guilty during his arraignment on May 4, 1992.^[2] Trial ensued afterwards, with the People offering the testimonies of two witnesses and four items of documentary evidence, and the appellant thereafter presenting three witnesses, including himself.

According to prosecution witness Elma Baulite,^[3] she, her husband Jessie Pedroso, and her daughter Gemma Baulite were in their house located at Crossing Sebastian, Barangay Lambantong, Surallah, South Cotabato on the night of November 27,

1990 when they heard someone calling Pedroso.

In front of the house was appellant Marjorie Castillo carrying a 12-gauge shotgun and accompanied by several unidentified persons. Appellant then crossed over the fence of the house and bragged that he was a member of the New People's Army. He pointed the gun towards the window of the house and called upon the occupants to come out, threatening to cut their heads off.

Unaware of the real designs of appellant, Elma went down the house carrying her one year old daughter in her arms. Without any intimation, appellant fired one shotgun blast at Elma and Gemma from a distance of about one meter. Gemma was hit on the abdomen while Elma was hit on her right hand and arm.^[4] Gemma died due to severe hemorrhage,^[5] while Elma was confined at the hospital and treated for her wounds.^[6]

After the shooting, appellant and his companions ran away while Elma shouted for help. Her cries were answered by their neighbor, Eliodoro Pueblo, who then brought the mother and child to his house around fifty meters away for first aid treatment.

As it subsequently turned out, appellant apparently went to the house of the victims to berate and challenge Pedroso for accusing his brother, Mamerto Castillo, of having stolen the victims' corn. The Castillos lived about four hundred meters from the house of said victims.

Eliodoro Pueblo^[7] testified that in the evening of November 27, 1990, he heard gunfire coming from the house of Elma while he was at his own house. Thereafter, he heard Elma asking for help and shouting that her child was dead. At the scene of the crime, Pueblo saw Gemma wounded, with her mother's clothes soaked in blood. After applying a tourniquet around Elma's arm at his house, Pueblo brought her to the police station and then to the hospital. They left Gemma behind at his house because she was already dead. He revealed that Pedroso had once complained to him about Mamerto Castillo's theft of their corn but he advised the former to forget it as it only involved a petty matter.

Appellant's defense consisted of plain denial cum alibi. He denied having shot Elma and her daughter and claimed that he was somewhere else at the time of the incident.

According to appellant, on November 27, 1990 at around eight o'clock in the evening he was at the boarding house of his friend, Rene Cuenca Feria, at General Santos City (formerly Dadiangas), South Cotabato. He had been in said place since August, 1990 to look for a job, at his friend's invitation. Unfortunately, he was not able to find any job. He stayed in his friend's room, washing clothes for the latter and helping in the chores inside the room, until September, 1991 when he decided to return to his residence in Barangay Lamian, Surallah, South Cotabato.

Rene Cuenca Feria declared on the witness stand that while he was on duty as a security guard of the Amadeo Fishing Corporation at Calumpang, General Santos City sometime in August, 1990, appellant arrived and asked him if he could help him look for a job. Appellant had been his classmate at Lamian National High School. Because appellant had not finished his secondary schooling, he was not able to get a

job as a security guard of the corporation, so appellant just helped Feria for one year by cooking and washing clothes for him. In exchange, Feria let appellant live with him at the bunkhouse of the security guards. On August 9, 1991, the two friends left for Banga to attend the funeral of Feria's father. After the funeral, appellant went home on August 26, 1991, while Feria went back to General Santos City. Feria claimed that appellant was with him at General Santos City in November, 1990.^[8]

Mamerto del Castillo,^[9] an elder brother of appellant, testified that appellant was not at their house at Lamian on November 27, 1990 because he was with Rene Feria in Dadiangas at that time to look for work. Appellant had been in Dadiangas from August, 1990 and never returned to Lamian in November, 1990.

In its verdict of conviction and after considering the evidence of the parties, the trial court concluded that abuse of superior strength attended the commission of the crime because a powerful gun was used in its execution against a helpless and unarmed mother and her infant daughter. This qualified the killing of Gemma and the simultaneous wounding of Elma to the complex crime of murder with frustrated murder. However, while the court a quo appreciated the circumstance of dwelling and acknowledged that the maximum of the penalty for the more serious felony should be imposed under Article 48 of the Revised Penal Code, appellant was sentenced to suffer the penalty of reclusion perpetua in obedience to the then existing prohibition against capital punishment in the Constitution. The lower court likewise ordered appellant to indemnify the heirs of Gemma for her death in the amount of P50,000.00, and Elma for her hospitalization expenses in the sum of P10,000.00, with costs.^[10]

In this instant appeal, appellant imputes error on the part of the lower court in believing Elma Baulite's supposedly improbable testimony and in rejecting his defense of alibi.^[11]

In appellant's theory, the following circumstances create doubt on the truth and credibility of Elma's testimony, viz.: (1) the descent of Elma with Gemma from the house to confront appellant, instead of staying inside for safety; (2) the disinterestedness of Pedroso in helping Elma and Gemma after they were shot; (3) the bringing of the victims by Pueblo to his house situated fifty meters away from Elma's house; (4) the failure of Pedroso to attend Gemma's burial; (5) the fact that appellant took it upon himself to avenge his brother's humiliation when it should have been Mamerto who should have done so; and (6) the fact that the imputation of theft is too negligible a matter to be a motive for a horrible act of vengeance by the Castillo family.

Having thoroughly examined and objectively evaluated the evidence and records before us, we hold that appellant indeed committed the crime alleged in the information beyond any iota of doubt. We find nothing apocryphal in the testimony of Elma Baulite as would warrant a reversal or modification of the lower court's judgment.

The supposedly outlandish circumstances pointed out by appellant in his brief can be easily rationalized and explained away by the very nature and psychological features of variant behavioral reactions.

We have consistently held that different people react differently to a given situation or type of situation, and there is no standard form of human behavioral response when one is confronted with a strange, startling or frightful experience.^[12] As a matter of common observation and knowledge, the reaction or behavior of persons when confronted with a shocking incident varies.^[13] Persons do not necessarily react uniformly to a given situation, for what is natural to one may be strange to another.^[14] Hence, placed under emotional stress, some people may shout, some may faint, and some may be shocked into insensibility, while others may openly welcome an intrusion.^[15]

The act of Elma in going out of the house can be explained by her curiosity and inquisitiveness as to what was happening outside the safety of her house. We have recognized this behavioral oddity in *People vs. Acob, et al.*,^[16] and held that the Filipino “usisero” (nosy or prying) trait may overcome the natural timidity of a woman.

The indifference of Pedroso to the plight of his wife and daughter after the shooting can be explained by his fear of the Castillos^[17] whom he may have thought were still around the house. His failure to attend Gemma’s burial may have been due to his feeling of shame or remorse for having failed to help his daughter at a time he was badly needed. Pueblo, on his part, may have decided to bring the victims to his own house in order to easily avail himself of his first aid medical kit.

While the testimony of Elma contains facts outwardly contradictory to common human experience at first glance, what is important is that she conveyed to the trial court what she actually perceived, including those seeming improbabilities, on that fateful night. She positively identified appellant as the perpetrator of the crime against her and her daughter. She categorically supplied all the facts necessary for appellant’s conviction and she did it in a sincere, direct and convincing manner.

There is nothing on record showing any improper motive on the part of Elma Baulite to testify mendaciously against appellant or to falsely implicate him in the crime committed. In the absence of evidence showing such motive, the logical conclusion is that the principal witness for the prosecution was not so actuated and that her testimony is entitled to full faith and credit.^[18]

It is axiomatic, and we find no reason to hold otherwise in this case, that where the issue is on the credibility of witnesses, the findings of the trial court will not be disturbed on appeal since it was in a better position to decide the question, having heard and observed the demeanor of each witness,^[19] unless it has plainly overlooked certain facts of substance and value which, if considered, might affect the result of the case.^[20]

The matter of assigning values to declarations at the witness stand is best and most competently performed or carried out by a trial judge who, unlike appellate magistrates, can weigh such testimony in light of the accused’s behavior, demeanor, conduct and attitude at the trial, and the conclusions of trial courts command great weight and respect.^[21]