

SECOND DIVISION

[G.R. No. 191759, March 02, 2020]

**PEOPLE OF THE PHILIPPINES, PLAINTIFF-APPELLEE, VS.
GERALD MORENO Y TAZON, ACCUSED-APPELLANT.**

D E C I S I O N

HERNANDO, J.:

On appeal is the August 27, 2009 Decision^[1] of the Court of Appeals (CA) in CA-G.R. CR.-H.C. No. 03204, affirming the Decision^[2] of the Regional Trial Court (RTC), Branch 53, Manila in Criminal Case No. 01-197519 which found appellant Gerald Moreno y Tazon (appellant) guilty beyond reasonable doubt of the crime of Murder.

The Information^[3] alleged:

That on or about the 16th day of November 2001, in the City of Manila, Philippines, said accused, did then and there, willfully, unlawfully and feloniously x x x at about 2:15 a.m., with intent to kill, with treachery and evident premeditation, attack, assault and use personal violence upon the person of one CECIL MIJARES Y LEOCADIO by then and there stabbing him with a bladed weapon on his body, thereby inflicting upon said CECIL MIJARES Y LEOCADIO mortal stab wounds at the back and chest which were the direct and immediate cause of his death, thereafter.

CONTRARY TO LAW.

Version of the Prosecution

On November 16, 2001, at around 2:15 in the morning, Adelriza Mijares ("**Adelriza**") was awakened from her sleep when a hard object hit her head. When she turned on the lights, a man, wearing khaki shorts and white t-shirt, leap on their bed and repeatedly stabbed her husband, Cecil Mijares ("**Mijares**"), on the leg and chest. Mijares was able to kick the man out of the room and even close the door. Immediately thereafter, Mijares collapsed and fell on the floor. Adelriza shouted for help and their neighbor, Virgie Perey ("**Virgie**"), came to their rescue. Virgie sought assistance from their neighbors, Noli Corrales and Michael Buenaflor, in bringing Mijares to the Philippine General Hospital (PGH). Unfortunately, Mijares died while undergoing treatment.^[4]

Senior Police Officer 1 Raul Olavario ("**SPO1 Olavario**") and other police officers from the Western Police District, Homicide Division, arrived at the PGH after receiving a report about a stabbing incident in their area of jurisdiction. SPO1

Olavario interviewed Adelriza and conducted a physical examination of the cadaver. He observed multiple stab wounds on different parts of Mijares' body, particularly at the front and at the back. After the examination, SPO1 Olavario asked Adelriza to accompany them to the crime scene. Upon arrival, the police officers discovered that four pieces of glass jalousies at the front window of Adelriza's house were removed and the window screen was broken. They likewise saw bloodstains on the floor where Mijares collapsed.^[5] The police officers and Adelriza proceeded to the police station where Adelriza executed a Sworn Statement^[6] dated November 16, 2001. At this point, Adelriza still did not know the name of her husband's killer but she vividly remembered his face after having witnessed the stabbing. A police cartographer prepared a sketch of the suspect based on Adelriza's description.^[7]

In the afternoon of the same day, the police received a call from Virgie informing them that appellant, who fitted the description of the suspect, was in the vicinity of his house. According to Virgie, she heard rumors that appellant was responsible for the killing of Mijares.^[8] Acting on Virgie's tip, SPO1 Olavario invited appellant to the police station for an interview regarding the killing that transpired to which appellant acceded.^[9] The police officers then summoned Adelriza to the police station. Upon her arrival, she positively identified appellant as the person who stabbed her husband. It was only at this point that she learned of Moreno's name.^[10]

SPO1 Olavario thus arrested appellant and informed him of his constitutional right to remain silent and to have a competent counsel of his choice. Appellant however did not respond. Hence, SPO1 Olavario merely asked for his name and then prepared the Crime Report, Booking and Arrest Sheet and Referral to Inquest.^[11]

Version of the Defense

The defense vehemently denied the version of the prosecution and interposed that at the time of the incident, appellant was sleeping at his house on Diamante St., Sta. Ana, Manila where his mother, father, siblings and son likewise lived. He was awakened by a loud noise and when he inquired about it from his father, he was told that there was a robbery in the vicinity. He then went out of their gate where their neighbor, Junior Santos, told him to get a taxicab. When it arrived, he assisted his neighbors to carry Mijares into the taxicab to be brought to the hospital. Thereafter, he went back to sleep and was only awakened at around 11:00 in the morning when armed police officers were already inside his room. The police officers invited him to the police station for an investigation and he voluntarily went with them.^[12]

Appellant insisted that he never knew Mijares and he saw the victim for the first time when he assisted in carrying him to the taxicab. During the time of the incident, he was wearing a gray t-shirt and black pants contrary to Adelriza's description of the clothes of her husband's killer. However, he could not impute any reason as to why Adelriza would ever testify against him.^[13]

Victoria Moreno (**"Victoria"**), appellant's mother, and Crispulo Moreno III (**"Crispulo"**), his brother, corroborated appellant's whereabouts.^[14]

Ruling of the Regional Trial Court

Appellant pleaded "not guilty."^[15] After trial, the RTC rendered a Decision^[16] finding appellant guilty of Murder, treachery having attended the attack. The trial court disposed the case in this wise:

WHEREFORE, in view of the foregoing, judgment is hereby rendered finding accused Gerald Moreno y Tazon **GUILTY** beyond reasonable doubt of the crime of Murder and is hereby sentenced to **Reclusion Perpetua** and ordered to pay [the] heirs of Cecil Mijares the following amounts: **PHP75,000.00** as indemnity for his death; **PHP603,288.00** as unearned income; **PHP31,500.00** as actual damages; **PHP50,000.00** as reimbursement for attorney's fees; and **PHP50,000.00** as moral damages.

Cost against the accused.

SO ORDERED.^[17]

The trial court rejected appellant's defenses of *alibi* and denial; his alleged lack of motive in committing the crime; his arguments that the uncorroborated testimony of Adelriza was insufficient to convict him; and that his identification outside a police line-up was irregular. Ultimately, the RTC ratiocinated that the clear, positive and credible testimony of Adelriza that appellant was the culprit sufficiently removed any reasonable doubt on his guilt.

Ruling of the Court of Appeals

Undeterred, appellant appealed his conviction before the CA.^[18] The appellate court, finding no reversible error, upheld the trial court's Decision. The CA held that the lone, positive and credible testimony of the eyewitness was sufficient to support appellant's conviction.^[19] Any inconsistencies in the testimony of Adelriza did not destroy the strength of her testimony. The appellate court stressed that there is no rule requiring for a police-line up in the identification of offenders and that the same is not indispensable for the proper and fair identification of offenders.^[20] The CA also held that the defense of *alibi* cannot prevail over, and is worthless in the face of the positive identification by a credible witness. Moreover, appellant's *alibi* was inherently weak as he failed to prove that it was physically impossible for him to have been present at the scene of the crime. The appellate court disregarded the argument that he was illegally arrested because the objection was not raised before arraignment and was deemed waived. In sum, the CA did not depart from the trial court's ruling. The dispositive portion of the appellate court's Decision stated:

WHEREFORE, all the foregoing considered, the 25 August 2006 decision of the Regional Trial Court of Manila (Branch 53) in Criminal Case No. 01-197519 finding accused-appellant Gerald Tazon Moreno guilty beyond reasonable doubt of murder is **AFFIRMED**.

SO ORDERED.^[21]

Aggrieved, appellant brought the case before Us, raising the same arguments he had at the CA.

Issue

Appellant raised the sole error: The trial court has committed a serious reversible error when it pronounced the guilt of the appellant on the supposition that the quantum of proof constitutionally required to sustain a conviction was proven.^[22]

THE COURT'S RULING

The appeal has no merit.

Positive testimony despite minor inconsistencies prevails over the defenses of denial and alibi

Appellant claims that the trial court erred in ruling that the positive testimony of the prosecution's witness prevailed over his defense of *alibi*. He alleges that contrary to the conclusion of the trial court, his defense was not at all an *alibi* to account his whereabouts, rather it was an attestation of his plain denial of the crime charged.^[23] He asserts that there were inconsistencies and inaccuracies in the uncorroborated testimony of the eyewitness that tarnished its veracity and diminished its probative value to prove his guilt.^[24]

The arguments of the appellant deserve scant consideration.

Denial is inherently a weak defense which cannot outweigh positive testimony. A categorical statement that has the earmarks of truth prevails over a bare denial^[25] which can easily be fabricated and is inherently unreliable.^[26] For the defense of *alibi* to prosper, the accused must prove that he was at some other place at the time of the commission of the crime and it was physically impossible for him to be at the *locus delicti* or within its immediate vicinity. These requirements of time and place must be strictly met.^[27]

Appellant asserts that he was asleep at the time of the commission of the crime. He insists that he has never met Mijares before and just saw him for the first time when he assisted in getting a taxicab so he may be rushed to the hospital. However, in the same breath, appellant himself admitted that only a wall separated his house and the crime scene.^[28] Such admission negated physical impossibility of him being at the crime scene,^[29] making his *alibi* simply unbelievable. While the testimonies of his mother, Victoria, and his brother, Crispulo, supposedly corroborated his claim that he was in a different place when the stabbing took place,^[30] such testimonies

did not bolster appellant's defenses of *alibi* and denial.

This Court has consistently assigned less probative weight to a defense of *alibi* when it is corroborated by relatives. For corroboration to be credible, the same must be offered preferably by disinterested witnesses.^[31] Evidently, Victoria and Crispulo were not disinterested witnesses both being appellant's relatives. Their testimonies are rendered suspect because the former's relationship to them makes it likely that they would freely perjure themselves for his sake.^[32] Hence, by all accounts, appellant failed to meet the requirements for his defense of *alibi* to prosper.

Concerning the supposed inconsistencies and contradictory statements in the eyewitness' testimony in open court,^[33] this Court finds them immaterial and did not diminish appellant's guilt.

The inconsistencies in Adelriza's and SPO1 Olavario's testimonies on the number of persons present when she identified the appellant, Adelriza stated that the appellant was the only person present, while SPO1 Olavario maintained that there were other people present,^[34] referred to a minor detail which did not diminish the probative value of the testimonies at issue. After all, it is well-settled that immaterial and insignificant details did not discredit a testimony on the very material and significant point bearing on the very act of the perpetrator. As long as the testimonies of the witnesses corroborate one another on material points, minor inconsistencies therein cannot destroy their credibility. Inconsistencies on minor details do not undermine the integrity of a prosecution witness.^[35] Here, it remains that Adelriza was able to categorically identify the appellant as the very culprit of the crime.

Moreover, courts cannot expect the testimonies of the witnesses to be impeccable.^[36] In *People v. Givera*,^[37] the Court explained that minor inconsistencies and discrepancies in the testimonies actually tend to strengthen the credibility of the witness because they discount the possibility of them being rehearsed, viz.:

In any event, these discrepancies are minor and insignificant and do not detract from the substance of her testimony. This Court has time and again said that a few discrepancies and inconsistencies in the testimonies of witnesses referring to minor details and not in actuality touching upon the central fact of the crime do not impair the credibility of the witnesses. Instead of weakening their testimonies, such inconsistencies tend to strengthen their credibility because they discount the possibility of their being rehearsed testimony.^[38] (Underscoring supplied)

Appellant also points out that his physical appearance varies from the description given by Adelriza of her husband's assailant. He argues that such contradictory observation proves the unreliability of Adelriza's testimony and provides reasonable doubt on his guilt.^[39]

The arguments of appellant fail to impress Us.

This Court has consistently ruled that witnesses frequently concentrate on the facial