

SECOND DIVISION

[G.R. No. 115687, February 17, 2000]

**PEOPLE OF THE PHILIPPINES, PLAINTIFF-APPELLEE, VS.
REYNALDO QUILLOSA Y FORMANES, ACCUSED-APPELLANT.**

D E C I S I O N

QUISUMBING, J.:

On appeal is the decision dated January 3, 1994, of the Regional Trial Court of Valenzuela, Metro Manila, Branch 171,^[1] convicting appellant of the crime of murder, imposing upon him the penalty of *reclusion perpetua*, and ordering him to indemnify the heirs of the victim the amount of P50,000.00.

The facts, supported by the records, are as follows:

On January 1, 1991, at about 5 o'clock in the morning, at Santolan Road, General T. de Leon, Valenzuela, Metro Manila, prosecution witness Roberto Vasquez was on his way to church when he saw the victim Ambrosio Ilocto, also known as "Mang Bosiong", walking some four or five meters ahead of him. Suddenly, three men blocked Mang Bosiong's way. While appellant held Mang Bosiong's right hand, the second man held his left hand, and the third man stabbed Mang Bosiong, with a knife, three times. When Mang Bosiong fell, appellant remarked, "*Leo that is enough, he would die.*" Then the three (3) men fled. Prosecution witness Vasquez testified that he knew appellant by name since they used to be neighbors, and that he recognized the second assailant by face, but he did not know the third man. Mang Bosiong was rushed to the hospital for medical treatment where he was pronounced dead on arrival.^[2]

Only appellant was apprehended. After due preliminary investigation,^[3] appellant, together with John Doe and Peter Doe, were charged with the crime of murder under the following Information:^[4]

"That on or about the 1st day of July 1992 in Valenzuela, Metro Manila and within the jurisdiction of this Honorable Court the above-named accused, conspiring together and mutually helping one another, without any justifiable cause, with treachery, evident premeditation and abuse of superior strength and with deliberate intent to kill, did then and there willfully, unlawfully and feloniously attack, assault and stab with a pointed weapon on the different parts of the body one AMBROCIO ILOCTO y SANTOS, thereby inflicting upon said victim serious physical injuries which directly caused his death.

Contrary to law.

Valenzuela, Metro Manila. July 9, 1992."

The Information was later amended to change the date of the commission of the crime to January 1, 1991.^[5] During trial, the Information was further amended to reflect the true name of appellant, from "Rey" to "Reynaldo" Quillosa.^[6]

Upon arraignment, appellant entered a plea of not guilty.^[7] Accused John Doe and Peter Doe remain at-large.

The prosecution presented four witnesses, namely (1) Roger Vasquez, the sole eyewitness to the stabbing incident; (2) Paulino F. Ilocto, son of the victim; (3) SPO1 Virgilio M. Villano, a police investigator assigned at the Valenzuela Police Station, and (4) Dr. Bienvenido Muñoz, medico-legal officer of the National Bureau of Investigation. The testimonies of Ilocto and SPO1 Villano were dispensed with, on stipulation of the parties that they would testify on the following matters:^[8]

"PAULINO ILOCTO:

1. That he is the son of victim Ambrocio Ilocto;
2. That on January 1, 1991 at around 5:00 in the morning, he was informed that his father was stabbed;
3. That he proceeded to the Fatima Hospital and found the lifeless body of his father with stab wounds in different parts of the body;
4. That he executed a statement.

SPO2 VIRGILIO VILLANO:

1. That he is a police investigator assigned at the Station Investigation Division at the Valenzuela Police Station;
2. That on January 1, 1991 at 6:00 in the morning, an employee of Our Lady of Fatima Hospital informed him that a stabbing victim was brought to said hospital;
3. That he was instructed to go to the Our Lady of Fatima Hospital and found the lifeless body of the victim;
4. That from the hospital, he proceeded to the crime scene and conducted an investigation and a witness identified the assailant as the accused and other John Doe."

Likewise, the direct examination of Dr. Muñoz was dispensed with after the defense admitted the existence and the due execution of the Autopsy Report No. N-911-14, the Post Mortem findings, cause of death, and the signatures therein.^[9] On cross-examination, Dr. Muñoz testified that the victim sustained three (3) stab wounds but the immediate cause of death was the piercing of the right lung by a broken rib.^[10]

For the defense, appellant and his childhood friend, Buenaventura Jose, Jr., testified. Appellant denies participation in the stabbing incident and contends that at the time of the stabbing, he was in Baliuag, Bulacan, with Jose, celebrating the New Year's Day by going from one drinking session to another. For his part, Jose testified that

he was with appellant from December 31, 1990, until around 7:00 in the evening of January 1, 1991. Appellant claims he does not know prosecution witness Roberto Vasquez, the victim, Ambrosio Ilocto, or the latter's son. In fact, he knew nothing about the case prior to his apprehension on April 4, 1993.^[11]

On January 3, 1994, the trial court rendered a decision^[12] finding appellant guilty of murder, the killing having been qualified by treachery. The trial court also found conspiracy. The dispositive portion of the decision states:

"ACCORDINGLY, finding accused Reynaldo Quillosa Guilty beyond reasonable doubt of the offense charged, he is hereby sentenced to suffer the penalty of *RECLUSION PERPETUA*.

The accused is hereby ordered to indemnify the heirs of the deceased Ambrocio Ilocto the amount of P50,000.00.

SO ORDERED."

Hence, the present appeal. Appellant contends that the lower court gravely erred:^[13]

1. IN GIVING STRONG CREDIT AND PROBATIVE VALUE TO THE TESTIMONY OF ROGER VASQUEZ, THE ALLEGED LONE WITNESS TO THE CRIME BY OVERLOOKING CERTAIN FACTS OF SUBSTANCE AND VALUE THAT WOULD HAVE WARRANTED ACQUITTAL OF THE ACCUSED.
2. IN NOT GIVING CREDENCE TO THE DEFENSE OF ALIBI.
3. IN NOT CONSIDERING THE EXPERT TESTIMONY OF DR. BIENVENIDO MUNOZ THAT THE CAUSE OF DEATH IS NOT DUE TO THE STAB WOUNDS INFLICTED.
4. IN APPRECIATING THE ELEMENT OF TREACHERY AND OTHERS AS AGAINST THE HEREIN ACCUSED-APPELLANT.

In his brief, appellant assails the credibility of sole eyewitness Vasquez, considering the inconsistencies in his testimony with respect to Vasquez's actual address in Valenzuela, the actual date when he subscribed to his sworn statement, and the number of assailants. Appellant insists that his alibi should have been given credence since Vasquez was unable to positively identify the number of assailants. Appellant also makes much of the fact that the prosecution witnesses could not ascribe any motive for appellant to take part in the killing. Further, the medico-legal officer testified that the cause of death was not the stab wounds but the piercing of the right lung by a broken rib. Anent the qualifying circumstance of treachery, appellant contends that mere holding of the hand of the victim does not *per se* indicate conspiracy.

For the State, the Office of the Solicitor General emphasizes that appellant was positively identified as one of the assailants. The alleged inconsistencies in Vasquez' testimony refer to minor details, which do not affect his credibility. The OSG debunks the defense of alibi considering that appellant himself admitted that he used to go to Valenzuela from Bulacan from time to time. Although the immediate

cause of death of the victim was a broken rib penetrating the victim's lungs, Dr. Muñoz testified that the three stab wounds contributed to his death. Surely, the OSG argues, it is undeniable that the victim died as a result of the attack upon him by appellant and his companions.

In sum, the issues raised by appellant pertain to the assessment of credibility of the sole eyewitness and the attendance of the qualifying circumstance of treachery.

We have long held that "the testimony of a single eyewitness is sufficient to support a conviction so long as it is clear, straightforward and worthy of credence by the trial court."^[14] Prosecution witness Vasquez testified that he knew both appellant and his companion since they frequented the place of the stabbing incident as "standby" ("*istambay*").^[15] Identification is facilitated by the fact that the person has gained familiarity with another.^[16] In this case, the minor consistencies pointed out by appellant do not refer to the crux of the matter, which is his participation in the commission of the crime. Minor and inconsequential flaws in the testimony of the witness strengthen rather than impair his credibility.^[17] Further, contradictions between the contents of an affiant's affidavit and his testimony on the witness stand do not always militate against the witness' credibility because it has long been within judicial notice that affidavits, which are usually taken *ex parte*, are often incomplete and inaccurate.^[18]

Appellant claims that the prosecution could not attribute any motive for the killing. We have laid down the rule that where a reliable eyewitness has fully and satisfactorily identified the accused as the perpetrator of the felony, motive becomes immaterial in the successful prosecution of a criminal case.^[19] Thus, whether or not appellant had a reason to take part in the killing, his conviction may still follow from the untraversed identification made by prosecution witness Vasquez. It is settled that motive is not essential for conviction for a crime when there is no doubt as to the identity of the culprit, and that lack of motive for committing the crime does not preclude conviction for such crime when the crime and participation of the accused are definitely proved.^[20]

What is more important to our mind is the fact that appellant could not attribute any motive for prosecution witness Vasquez to testify falsely against him. Vasquez explained that he volunteered to testify two days after the incident when he has already calmed down and was no longer afraid.^[21] Where there is no evidence that the principal witness for the prosecution was actuated by improper motive, the presumption is that he was not so actuated and his testimony is entitled to full faith and credit.^[22]

Appellant further raises the argument that the cause of death was not the three stab wounds inflicted on the victim, but rather, as testified by Dr. Muñoz, the piercing of the right lung by a broken rib. This fact, appellant insists, shows that there was no intent to kill. The argument is untenable. In this case, the testimony of the lone eyewitness that appellant's companion stabbed the victim three times is corroborated by the autopsy report. Vasquez further testified that the victim was stabbed at around 5:00 in the morning, while the autopsy report, the due execution and authenticity of which was duly admitted by the defense, placed the time of death at about 5:00 A.M.. The unbroken chain of events from the appellant's