

SECOND DIVISION

[G.R. No. 122283, June 15, 2000]

**THE PEOPLE OF THE PHILIPPINES, PLAINTIFF-APPELLEE, VS.
JOSE GERAL ALIAS "JOSE," ACCUSED-APPELLANT.**

D E C I S I O N

QUISUMBING, J.:

On appeal is the Decision^[1] dated July 26, 1994, of the Regional Trial Court, Branch 19, of Digos, Davao del Sur, finding accused-appellant Jose Geral guilty of murder and sentencing him to *reclusion perpetua*, to indemnify the heirs of the victim, Ciriaco Lanticse, Jr., the amount of P50,000.00 and to pay the costs.

Before this Court, appellant assigns the following errors:

"I. THE LOWER COURT ERRED IN FINDING THAT THE ACCUSED IS GUILTY OF MURDER MERELY ON THE TESTIMONY OF WITNESSES WHO DID NOT EVEN SEE THE PERPETRATOR OF THE CRIME AND IN SPITE OF THE FACT THAT THE CLAIM SURFACED JUST AFTER THE LAPSE OF TWO (2) DAYS FROM THE TIME OF THE INCIDENT

"II. THE LOWER COURT ERRED IN NOT APPRECIATING THAT THE INJURY OF THE FOREHEAD OF JOSE GERAL WAS CAUSED DUE TO AN ATTACK OR MAULING OF AN UNKNOWN PERSON AND NOT FROM BUMPING OF A BASKETBALL POST AS OTHERWISE POSITED BY THE PROSECUTION WITNESSES HEREOF

"III. THE LOWER COURT ERRED THAT EVEN WITH CHAIN OF EVENT OR CIRCUMSTANCE ATTENDANT WITH THE CASE ACCUSED IS ENTITLED TO AN ACQUITTAL UNDER THE DICTUM OF REASONABLE DOUBT."^[2]

Essentially, appellant seeks a review of the sufficiency of the evidence against him. At issue is the credibility of the prosecution witnesses.

The facts are set forth succinctly in the brief of the Office of the Solicitor General for the Appellee dated April 6, 1998, which we find duly supported by the records:

"In the evening of May 8, 1991, the people at Lower Limonzo, Padada, Davao del Sur, held a disco dance inside their barangay hall as they celebrated the fiesta in the locality (TSN, Dec. 17, 1991, p.5; Jan. 15, 1992, p. 3). For the occasion, sacks about four (4) high were stacked around the barangay hall to serve as enclosure (TSN: Dec. 17, 1991, pp. 21 to 22; Jan. 15, 1992, p.4). In anticipation of brownouts that occur frequently around midnight, a lighted "petromax" lamp was placed inside the barangay hall amid the colored and blinking lights (TSN: Dec. 17, 1991, pp. 6 to 10, 15; Jan. 15, 1992, p.3). The outside areas of the

barangay hall were further illuminated by lighted candles, and "gaspins" or kerosene lamps of several stores (TSN, Dec. 17, 1991, pp. 6 to 7; Jan. 15, 1992, pp. 3-4).

"At 8:00 o'clock that evening, appellant Jose Geral was drinking liquor with three (3) other companions at the nearby "Lina's store" (TSN, May 28, 1993, p.12). From a distance of about one (1) meter, Romualdo Pantojan, and a certain Noel Rellon who was then buying cigarettes, saw appellant's face unblemished by any wound or injury (TSN, May 27, 1993, pp. 4-5 & 7-8; May 28, 1993, pp. 5-7).

"At around midnight, shortly after the occurrence of a brownout, Sencio Getalla, from a distance of about two (2) fathoms, saw appellant stab Ciriaco Lanticse, Jr. beside the sacks outside of the barangay hall and near Linas's store (TSN, Jan. 15, 1992, p.4). Getalla chased appellant as the latter fled but Getalla's path was blocked by several persons milling around the area (ibid, pp. 6-7). At this juncture, Narciso Nasibo[g] saw appellant running very fast from the crime scene. In the process, appellant accidentally bumped his forehead on a basketball court post (TSN, Dec. 17, 1991, p.5). Nasibog faced appellant at a distance of only one (1) fathom, with the latter apparently about to fall. However, appellant continued to escape (ibid, p. 8).

"Lanticse died about 5:00 o'clock in the morning of May 9, 1991 due to 'hemorrhage' from the stab wounds he sustained, the point of entry of which is on the mid-portion of the left lumbar region (or back portion of his body, two (2) inches above the waistline), hitting the spleen and loops of the intestines (TSN: Jan. 14, 1992, p. 5; Exhs. A and B, pp. 8 and 80, Record).

"That same morning, Getalla was on his way to the poblacion of Padada to report what he witnessed (TSN: Jan. 15, 1992, p.7). On the way, he met SPO3 Ricaplaza so he informed the latter that appellant Geral was the one who stabbed Lanticse (ibid.). Immediately, police authorities went to the house of appellant to investigate (TSN, Aug. 30, 1993, p. 4; Nov. 27, 1992, p.11). Police Inspector Pantojan was informed that appellant went to Kiblawan allegedly to confer with a businessman friend (TSN: Aug. 30, 1993, p.4). When Pantojan inquired if appellant sustained an injury on the forehead, the latter's wife answered that appellant bumped his head on the door because he came home intoxicated (ibid., p.5). Pantojan directed the same question to appellant later in the evening and the latter replied that he accidentally bumped his head on the side of the bed when he was about to sleep (id., p.6).

"At the police station the following day, May 10, 1991, appellant was identified as the assailant by both Getalla and Nasibog. The two witnesses later executed their individual statements narrating in detail the events that transpired that fateful night (Record, pp.4-5)."^[3]

Appellant, in his brief, claimed that he was waylaid in the early evening of May 8, 1991, by the seashore of Barangay Punta Piape, Padada, Davao. As a result of being waylaid and mauled, he sustained injuries on his forehead. Said mauling incident

was entered in the barangay blotter. He later proceeded to the disco dance in the barangay hall of Punta Piape with his wife. Just after the brownout late in the evening, he along with others heard shouts that someone had just been stabbed. With his wife, he proceeded to the house of his father-in-law after the incident.^[4]

The provincial prosecutor charged appellant of treacherously causing the death of the victim, Ciriaco Lanticse, Jr., with the use of a bladed weapon, to the damage of the victim's heirs. On arraignment, appellant pleaded not guilty.

However, the trial court found him guilty beyond reasonable doubt and duly sentenced him. Appellant now questions the sufficiency of the evidence, mainly testimonial, presented against him. At the outset, we find as established the fact that the victim was stabbed outside the barangay hall. However, it was also established that a brownout occurred while the dance was going on. The question is, did the trial court err in believing prosecution witnesses Narciso Nasibog and Sencio Getalla, who both testified that the area where the stabbing occurred was well-illuminated by gaspkins and candles?^[5]

In his testimony appellant stated that earlier he saw the victim around five meters by his own estimate from the store.^[6] This led the trial court to accept the prosecution's evidence that there was indeed light coming from the stores surrounding the dance area,^[7] sufficient for the prosecution witnesses to identify the victim. In addition, the trial court found that eyewitness Getalla was only six meters away from appellant and the victim when the stabbing incident occurred.^[8] The possibility of Getalla misidentifying the assailant was remote. Getalla testified he had known appellant from the time Getalla was ten years old.^[9] Given these circumstances, Getalla's testimony is indeed reliable and credible. As we have repeatedly held, the testimony of a single witness, if positive and credible, is sufficient to support a conviction even in a charge of murder.^[10]

Getalla also testified that he chased appellant until the latter bumped into a basketball court post, hitting his forehead.^[11] At this point, Nasibog, another prosecution witness, saw and recognized the appellant running very fast until he bumped into the post.^[12] Nasibog had no difficulty recognizing appellant as he and the latter are neighbors, aside from the fact that Nasibog was only one meter away from appellant at the time.^[13] This double identification by Getalla and Nasibog of appellant at the scene of the crime removes any taint of doubt as to the presence of the appellant at the scene and his involvement in the crime.

Noteworthy, appellant did not point to any ill motive on the part of Getalla and Nasibog that could have prompted them to testify against him. Appellant himself testified that he considered both Getalla and Nasibog to be his friends.^[14] Where conditions of visibility are favorable and the witness did not appear to be biased against the accused, their assertions as to the identity of the malefactors should normally be accepted.^[15] In the absence of any evidence to show that the witness was actuated by any improper motive, his identification of the accused as the assailant should be given full faith and credit.^[16]

But appellant argues that Getalla's testimony identifying him as the offender is

contradicted by the entry in the police blotter that the victim's assailant was an "unidentified person." But SPO3 Godofredo Rosario, witness for the defense, testified that the blotter entry was based on information supplied by one Inocencio Sanchez, who did not witness the killing.^[17] The police blotter merely reflected what Sanchez had told the police desk. It did not necessarily mean that no one saw the stabbing of the victim. Nor that identification of the assailant would be foreclosed. As a matter of judicial notice, facts narrated in the police blotter are hardly conclusive though useful as leads.

Appellant asserts that it took the prosecution witnesses considerable length of time to inform the police of the incident. Initial reluctance of witnesses to volunteer information about a criminal case and their unwillingness to be involved in criminal investigation, however, is common knowledge. Such initial reluctance is insufficient to affect credibility.^[18] Besides, there was no delay in reporting the crime by other witnesses.

Getalla disclosed what he had witnessed to a certain SPO3 Ricaplaza whom he met while he was on his way to the Padada Police station the morning after the stabbing incident.^[19] Police Inspector Angel Pantojan, testified that appellant was already a suspect and a subject for investigation in the morning of May 9, 1991.^[20] SPO3 Godofredo Rosario, a defense witness, also testified that SPO3 Ricaplaza had investigated the appellant.^[21] These testimonies confirm that the appellant was investigated as early as the day following the perpetration of the crime.

Prosecution witness Nasibog's failure to immediately report the incident to the police does not diminish the value of his testimony. What is significant is that he saw appellant fleeing from the scene of the crime. At that time, Nasibog had still no direct knowledge of what had happened to the victim.

The wound on appellant's forehead was sustained as a result of appellant's bumping into a basketball court post while he was allegedly fleeing the scene of the crime, according to the prosecution. To the contrary appellant claimed he was wounded when he was waylaid at the seashore of Barangay Punta Piape, Padada, Davao del Sur, early in the evening of May 8, 1991, prior to the stabbing incident. Said mauling incident was reflected in the barangay blotter before the Office of the Punong Barangay of Punta Piape, Padada.^[22]

However, this statement regarding said wound was contradicted by appellant himself when he was investigated by Police Inspector Angel Pantojan. According to Pantojan's testimony, appellant told him that his forehead injuries were sustained when he bumped his head on the side of his bed.^[23] Further confusing the matter, Pantojan also testified that appellant's wife said the wound was caused by appellant's bumping his head on the door of their house.^[24] Later, appellant and his wife both testified to rebut the testimony of Pantojan. They said that they had told Pantojan otherwise, that appellant had sustained his forehead wound as a result of being waylaid.^[25] However, they both testified that Pantojan was a good neighbor of theirs and a person with whom they had no misunderstanding.^[26]

Further, prosecution witnesses Romulado Pantojan and Noel Rellon testified that when they saw appellant from a distance of one meter at around 8:00 o'clock that