

## THIRD DIVISION

[ G.R. No. 126027, February 18, 1999 ]

**PEOPLE OF THE PHILIPPINES, PLAINTIFF-APPELLEE, VS.  
BUENAVENTURA BATIDOR ALIAS "TORA," ACCUSED-APPELLANT.**

### DECISION

**PANGANIBAN, J.:**

In rejecting this appeal, the Court reiterates the well-settled doctrine that the credible testimony of a single trustworthy witness is sufficient to convict the accused, even on a charge of murder.

#### The Case

On April 4, 1995, an Information<sup>[1]</sup> was filed before the Regional Trial Court of Mati, Davao Oriental, charging Buenaventura Batidor @ "Tora" with murder allegedly committed as follows:

"That on or about January 2, 1995, in the Municipality of Mati, Province of Davao Oriental, Philippines and within the jurisdiction of this Honorable Court, the above-named accused, armed with a gun, with treachery and evident premeditation and with intent to kill, did then and there wilfully, unlawfully and feloniously attack, assault and shoot with said weapon one Donato Asis, thereby inflicting upon the latter wounds which caused his death."<sup>[2]</sup>

On July 11, 1995, Appellant Batidor, assisted by his counsel Alejandro Aquino, entered a plea of not guilty.<sup>[3]</sup> Trial on the merits ensued. The trial court promulgated its assailed eleven-page Decision dated April 30, 1996, the dispositive portion<sup>[4]</sup> of which reads:

"WHEREFORE, the Court finds the accused Buenaventura alias "Tora" Batidor guilty beyond reasonable doubt of the crime of [m]urder defined and penalized under Article 248 of the Revised Penal Code, as amended, and hereby sentences him to suffer the penalty of RECLUSION PERPETUA with the accessory penalties provided by law, to indemnify the heirs of the victim Donato Asis the sum of fifty thousand pesos (P50,000.00), without subsidiary imprisonment in case of insolvency, and to pay the costs of the proceedings."<sup>[5]</sup>

Hence, this appeal direct to this Court in view of the penalty imposed.<sup>[6]</sup>

#### The Facts

#### According to the Prosecution

The prosecution presented two witnesses: Maria Lourdes Asis, the widow of the deceased Donato Asis; and Blenvenido Pagutlan, a neighbor of the victim.

The trial court summarized the facts presented by the prosecution as follows:

"The first prosecution witness, Bienvenido Pagutlan xxx declared that [o]n the morning of January 3, 1995, while he was working in the yard of his house located along the road at Sitio Wisdom, Barangay Tagbinonga, Mati, Davao Oriental, two persons, namely, Tora Batidor, the herein accused, and Edgar Conlabong passed by; that he told them, "Bro. our neighbor is already dead [--] "Atoy" (referring to Donato Asis, victim herein); that Tora Batidor said "Yes, he is dead" ("patay lagi") [and] that he (witness) was surprised upon hearing these words from the accused; that Donato Asis is a resident of Sitio Cabuyao, also of Barangay Tagbinonga; and that he knows the herein accused.

"The second prosecution witness Maria Lourdes Asis, widow, housekeeper and residing at Barangay Tagbinonga, Mati, Davao Oriental, declared that the deceased Donato Asis was her husband, [and that] they hav[e] four children xxx that on the evening of January 2, 1995, she and her husband Donato were taking supper in their house situated at Sitio Cabuyao, Tagbinonga, Mati, Davao Oriental; that their children were already asleep; that at about 7:30 in the evening while she and her husband Donato were facing each other eating on the table, she heard [a] gunburst after having three spoonful[s]; that upon hearing the gunshot she turned her face to the wall where the shot came from, and that her husband fell down bathed in his own blood; that she saw the accused Tora Batidor through the railing in the kitchen; that she kept on crying and asked for help and she heard the noise of the pig placed underneath the house; that her brothers-in-law, namely: Ruel, Edwin and Francisco, all surnamed Asis, arrived and also the CVO, Noel Mating, Carling Manlabian and Boy Gumbang, and the purok president, Abundio Pandasal, arrived; that she fainted ; that the barangay captain said because it was already nighttime, he advised her to wait till morning and the following morning, the incident was reported by her in-laws to the authorities; that at about 10:00 o' clock in the morning of January 3, 1995, the dead body of her husband was brought to the funeral parlor in Mati and that a certificate of death (Exh. "A") was issued evidencing the death of her husband.

"Witness further testified that she [knew] the accused Tora Batidor because he is the brother of her "Bilas" Lydia, who was married to Ricardo Asis, brother of her husband Donato Asis."<sup>[7]</sup>

### **According to the Defense**

The defense posited the theory of denial and alibi, presenting as witnesses appellant himself, Buenaventura Batidor alias "Tora," and SPO2 Rolando Santiago, the police officer tasked to investigate the shooting incident.

The trial court summarized the defense evidence as follows:

"The accused Buenaventura "alias Tora" Batidor, 25 years old, single, farmer and residing at Sitio Doles, Barangay Tagbinonga, denied the charges and declared that he was a resident of Barangay Tagbinonga, having been born there, living with his mother at Sitio Doles; that on the evening of January 2, 1995, he was at Sitio Doles with his brother Dominador Batidor, which is about one (1) kilometer away from Barangay Tagbinonga; that Sitio Cabuyao, the residence of the victim herein, is about six (6) kilometers from the poblacion of Tagbinonga and that [the distance] from Cabuyao to Doles is about seven (7) kilometers; [on the] that evening of January 2, 1995, he was at the house of his brother at Sitio Doles; that he went to bed at about 8:00 o' clock in the evening having had supper at about 6:00 o'clock and between 6:00 [and] 8:00 in the evening, he was playing guitar with his nephew; that he woke up [o]n the morning at about 5:30 of January 3, 1995, took his breakfast but left the house at 10:00 o' clock in the morning, going to Tagbinonga to the house of his elder brother Victorino, located at Sitio Wisdom; that before reaching the house of Victorino, he passed by the house of Serapina Batasi, located at lower Doles before reaching Wisdom; that his companion was his nephew Edgar Conlabong; that at Wisdom, he met prosecution witness Bienvenido Pagutlan who told him that there was an incident at Sitio Cabuyao and accused answered him, yes, there [was]; and that Donato Asis was shot at Sitio Cabuyao; that he answered "patay lagi" in the presence of Edgar Canlabong; that he came to know of the incident from Serapina Batasi who told them about it; that from the house of Bienvenido, he proceeded to the house of his brother and arrived at Wisdom at 11:00 o' clock in the morning and stayed there until the evening; that on January 4, 1995, he left the house of Victorino at about 9:00 o' clock in the morning, and proceeded to Mapantad, Mati, Davao Oriental, to the house of Lydia Batidor, his sister, and the widow of the late Ricardo Asis, the elder brother of Donato Asis; that he has been staying at Mapantad attending to the children of his sister Lydia and Ricardo but he celebrated his New Year at Tagbinonga; and that at about 11:00 o' clock on January 12, 1995, he was picked up by the police in the house of [his] sister Lydia, and brought to the Mati Police Station where he was detained until the present.

"Defense presented witness SPO2 Rolando Santiago who declared that he was an investigator of the Mati Police and he met the accused in his office on January 12, 1995, having been turned over to the police station by PO3 Cadungong, detachment commander of Tagbinonga, as one of the suspects in the killing of Donato Asis; that as Investigator he proceeded to the house of the victim Donato Asis in Sitio Cabuyao, Tagbinonga, [o]n the morning of January 3, 1995, together with SPO4 Romeo Balugo and PO2 Tahore to investigate the incident resulting in the death of Donato Asis; that arriv[ing] thereat, he saw only Maria Lourdes Asis and [her] children crying, and he asked Maria Lourdes who killed her husband but Maria Lourdes did not answer; that he conducted the investigation about thirty (30) minutes and thereafter submitted the spot report, and further investigation was conducted [after being] delegated to PO3 Cadungong.

"In addition, accused presented Exh. "1" - excerpts of the police blotter; "2" [-] Compliance with the Motion to Dismiss and preliminary examination in C.C. 7489; "2-A" to "2-C".<sup>[8]</sup>

In his seven-page Brief,<sup>[9]</sup> Appellant Batidor denied that he was responsible for the death of Donato Asis and presented the following facts:

"On the evening of January 2, 1995, at around 7:30 o' clock, victim Donato Asis was shot to death in their house at Cabuyao, Tagbinonga, Mati, Davao Oriental, while taking supper on the table with his wife, Ma. Lourdes Asis, while their children were already asleep. After the incident on [the] same evening, some relatives and barangay officials arrived, but it was only on the following day (Jan. 3, 1995 at around 10:00 o' clock) that the dead body was brought to the funeral parlor of Mati, Davao Oriental. It was also on January 3, 1995 that SPO2 Rolando Santiago and his men went to the scene of the incident to investigate the same. For the period of January 3, 1995 to January 12, 1995, records in the police station show that four to five persons were arrested as suspects for the death of Donato Asis. Accused was not among them. It was only on January 12, 1995 that accused was unlawfully arrested, and thereafter, charged before the court."<sup>[10]</sup>

### **Ruling of the Trial Court**

In finding the appellant guilty of murder, the court *a quo* gave full faith and credence to the testimony of the victim's wife in this wise:

quot;The Court, after a conscientious evaluation of the categorical testimony of the widow Maria Lourdes Asis, is fully convinced and morally certain that it is accused herein who shot the deceased Donato Asis in the manner testified to by said witnesses.

"Maria Lourdes Asis, the widow, having positively and categorically identified the accused as the malefactor negates the necessity for establishing motive for the killing of the victim. No evidence has been adduced that her testimony [was] motivated by ill will or any other dubious cause. Hence, she falls within the doctrine repeatedly laid down that the fact that the principal witness [was] the victim's wife even [lent] credence to her testimony. Her natural interest in securing the conviction of the guilty would deter her from implicating persons other than the culprits, for otherwise the latter would thereby gain immunity (People vs. Vilialobos, et. al., 209 SCRA 304). That relationship does not ipso facto impair the credibility of the witness. (People v. Tinampay, et. al. 207 SCRA 405)."<sup>[11]</sup>

That Maria Lourdes Asis had identified the appellant as the culprit only after ten days since the killing of her husband was of no moment, as the lower court was satisfied with her explanation.

"On the witness stand, the widow Maria Lourdes Asis reiterated and affirmed under long and rigorous cross-examination that it was the accused Tora Batidor whom she saw shoot her husband. She explained

that she was not able to reveal to the police on January 3, 1995 the identity of the culprit because of her state of mind.<sup>[12]</sup>

xxx xxx xxx

"It has been held that the lapse of a considerable length of time before a witness comes forward to reveal the identity of the assailant does not taint the credibility of the witness and her testimony. In *People vs. Dominguez, et. al.* (217 SCRA 170), the court explained the settled doctrine that delay on the part of witnesses in informing the authorities of what they know about the occurrence of a crime will not, by itself, affect their credibility where such delay is satisfactorily explained.

"In the case at bar, the failure of the widow to reveal to investigator Santiago on January 3, 1995 the day after the incident, has been explained by her. Such explanation is indeed understandable. She reiterated however that on January 4, she already revealed to Santiago but was advised to bury first her husband as she was then rattled."<sup>[13]</sup>

### **The Assigned Errors**

Appellant Batidor assigns the following errors to the trial court:

"1. That the trial court erred in giving credence to the testimony of Ma. Lourdes Asis;

"2. That the trial court erred in convicting the accused despite the uncorroborated testimony of Ma. Lourdes Asis;

"3. That the trial court erred in disregarding the testimony of Accused Tora Batidor;

"4. That the court erred in disregarding the testimony of Defense Witness SPO2 Rolando Santiago."<sup>[14]</sup>

This Court believes that the resolution of this appeal hinges on the credibility of the victim's widow, Maria Lourdes Asis, upon whose testimony Appellant Batidor was convicted. This will be discussed as the first issue, while the sufficiency of the evidence for the prosecution will be dealt with as the second.

### **The Court's Ruling**

The appeal is devoid of merit.

#### **First Issue:**

#### **Credibility of Witnesses**

Well-entrenched is the rule that findings of the trial court as to the credibility of witnesses are accorded great weight, even finality, on appeal, unless the trial court has failed to appreciate certain facts and circumstances which, if taken into account, would materially affect the result of the case. Having had the opportunity to