

## FIRST DIVISION

[ G.R. No. 120642, July 02, 1999 ]

**THE PEOPLE OF THE PHILIPPINES, PLAINTIFF-APPELLEE, VS.  
RONNIE P. REYES AND NESTOR I. PAGAL, ACCUSED-  
APPELLANTS.**

### D E C I S I O N

**KAPUNAN, J.:**

This is an appeal from the Decision of the Regional Trial Court of Santiago City, Branch 21, in Criminal Case No. 21-1432,<sup>[1]</sup> sentencing appellants Ronnie Reyes and Nestor Pagal to suffer penalty of *reclusion perpetua* for the special complex crime of robbery in band with homicide.

The conviction of the two appellants stemmed from an information reading as follows:

That on or about the 30th day of December, 1992, in the municipality of Cordon, province of Isabela, Philippines and within the jurisdiction of this Honorable Court, the said accused, together with John Doe, Peter Doe and Ricardo Doe, whose identities are still to be determined, conspiring, confederating together and helping one another, all armed with different kinds of firearms, did then and there, willfully, unlawfully and feloniously with intent to gain and by means of violence and intimidation against person, take, steal and carry away one (1) unit chainsaw valued at P20,000.00 and two (2) cavans of palay valued at P400.00 all with a total value of P20,400.00 and all belonging to Spouses Alfredo Macadaeg and Felicidad David against their will and consent to the damage and prejudice of the said owners in the aforesaid total amount of P20,400.00, that on the occasion of the said Robbery and for the purpose of enabling them to take, steal and carry away the said items, the herein accused, in pursuance of their conspiracy, did then and there willfully, unlawfully and feloniously, with intent to kill, assault, attack and shoot the said Alfredo Macadaeg, inflicting upon him a gunshot wound on the chest and on the left wrist which directly caused his death.

CONTRARY TO LAW.<sup>[2]</sup>

At their arraignment, appellants pleaded not guilty to the offense charged.<sup>[3]</sup> On the other hand, the appellants' three unidentified co-accused have remained at large. Trial on the merits ensued with the prosecution presenting three witnesses, namely: Felicidad David Macadaeg, Reynaldo Macadaeg and PO3 Jimmy Cabalo. The testimonies of said prosecution witnesses may be summed as follows:

At around 6 o'clock in the evening of December 30, 1992, Alfredo Macadaeg and his

wife, Felicidad, were sitting in the kitchen at the first floor of their two-storey house in Wigan, Cordon, Isabela. Their children, 14-year-old<sup>[4]</sup> Reynaldo and his younger siblings named Juanito, Danilo and Marilyn, were at the second floor of their house. As Felicidad arose to prepare dinner, she heard gunfire and saw Alfredo fall to the ground. She rushed to embrace the bleeding Alfredo who then told her that he had been shot. Felicidad shouted for her children, then fainted.

Alarmed by the bursts of gunfire, the children rushed downstairs and saw their bloodied father lying on the floor beside their unconscious mother. Seconds later, Felicidad regained consciousness and told the children that their father was already dead.

Reynaldo was about to call for help when four men suddenly barged in. Felicidad recognized one of them as appellant Ronnie Reyes while Reynaldo identified another as appellant Nestor Pagal. Reyes aimed his gun at Felicidad, who was still clutching her husband's lifeless body, while appellant Pagal pointed his gun at Reynaldo who was by the door about eight (8) meters away from his mother. The two other men asked for the chainsaw, and when she replied it was not in their house, they threatened to kill the family if they find it.

The two unidentified men then proceeded upstairs where they found the chainsaw. They passed it on to another companion who was outside the house serving as a lookout. They then ransacked the house and took the two sacks of *palay* below the stairs. The five men then left bringing with them the chainsaw and the two sacks of *palay*.

Certain that all the five men were gone, Felicidad instructed her son, Juanito, to seek help from Barangay Captain Jomer Hoggang (Huggang). Upon reaching the Macadaeg household, Hoggang saw the lifeless body of Alfredo on the ground. He promptly reported the incident to the police at Cordon, Isabela.<sup>[5]</sup>

PO3 Jimmy Cabalo, of the PNP, Cordon, Isabela, who received the report, immediately went with other policemen to the crime scene, arriving thereat at around 9:00 o'clock that same evening. They saw the victim sprawled on the kitchen floor. They interviewed the victim's family and learned that someone from the outside shot the victim; that two of the assailants entered the house and took a chainsaw and two cavans of *palay*. The Macadaegs, who all appeared frightened at that time, failed to identify the assailants that night.<sup>[6]</sup>

It was only thirteen days after the killing of her husband that Felicidad and her son went to the police station to execute sworn statements identifying Reyes and Pagal as the perpetrators of the crime. The corresponding complaint was filed before the municipal trial court. A warrant of arrest was subsequently issued and served on appellants Reyes and Pagal.

According to Felicidad, she and her son Reynaldo were familiar with the appellants because they would frequent the Macadaeg household whenever Alfredo operated their chainsaw. Appellant Reyes was also the godfather of Felicidad's youngest child, Marilyn. Reynaldo recalled that two days before his father was killed appellant Pagal went to their house to invite their father to a chainsaw operation.

Both accused interposed the defense of alibi.

Testifying in his own defense, appellant Reyes said that he resided at Wigan, Cordon, Isabela from 1983 up to 1989. He knew the Macadaeg spouses because he stood as godfather to their youngest child, Marilyn. For about six months, he frequented the Macadaeg's house every time Alfredo sought his help in operating their chainsaw. He, however, moved to San Benigno, Aglipay, Quirino where he had resided since 1989.

In the morning of December 30, 1992, appellant Reyes went to the house of Barangay Councilor Tirso Manganawi in San Benigno. He butchered and cooked a dog for the birthday celebration of Manganawi's son. They all had lunch at around 1:00 o'clock in the afternoon and started drinking liquor at 3 o'clock.<sup>[7]</sup>

Appellant Reyes denied having known appellant Pagal and claimed that they only met at the municipal jail of Cordon when they were both detained. He surmised that his past criminal record and the fact that he was also a chainsaw operator were the reasons why the Macadaegs implicated him in the killing of Alfredo.<sup>[8]</sup> Reyes presented Tirso Manganawi and Agustin Buya to corroborate his defense of alibi.

For his part, appellant Pagal testified that from 1985 to 1991, he and his family had resided in Wigan, Cordon, Isabela where he worked as a farmer. His house was about a kilometer away from the Macadaegs' residence. Sometime in 1991, in his desire to own a farm, he and his family relocated to Calimutoc, Nayon Lamut, Ifugao. From that time on, he never visited Wigan.<sup>[9]</sup>

Pagal claimed that at 2 o'clock in the afternoon of December 30, 1992, he was at the church in Calimutoc, Nayon attending the general rehearsal for a skit that was to be presented that evening. He was then with Peter Lunag, Alfredo de Guzman and Joseph Pagal. He attended mass at 7:30 in the evening and the Christmas program that started at 8 o'clock in the evening and ended at midnight.<sup>[10]</sup>

It was only on March 5, 1993, that he and his family returned to Wigan to harvest some produce from his farm. It was also on that day that he was arrested and implicated in the robbery with homicide case. He did not personally know appellant Reyes, although he had occasionally seen him when he (appellant Pagal) was still residing in Wigan. The next time they met again was at the municipal jail of Cordon.<sup>[11]</sup>

Agustin Lunag, the husband of the *pastora* of the Pentecostal Church in Calimutoc corroborated Pagal's alibi.<sup>[12]</sup>

On December 8, 1994, the trial court rendered the questioned Decision convicting appellants of the crime of robbery in band with homicide as follows:

WHEREFORE, in the light of the foregoing considerations the Court finds the accused Ronnie Reyes and Nestor Pagal GUILTY beyond reasonable doubt of the crime of robbery in band with homicide and hereby sentences each of them to the penalty of reclusion perpetua. They are also ordered to pay, jointly and severally, to the heirs of Alfredo Macadaeg the sums of Fifty Thousand Pesos (P50,000.00) representing

death indemnity. Thirty Thousand Four Hundred Pesos (P30,400.00) as actual damages and Five Hundred Thousand Pesos (P500,000.00) as compensatory damages.

SO ORDERED.<sup>[13]</sup>

Thus the appeal before this Court, appellants raising the following assignment of errors:

I

THE TRIAL COURT ERRED IN GIVING FULL WEIGHT AND CREDENCE TO THE TESTIMONIES OF PROSECUTION WITNESSES FELICIDAD MACADAEG AND REYNALDO MACADAEG AND IN DISREGARDING THE THEORY OF THE DEFENSE.

II

THE TRIAL COURT ERRED IN FINDING THE ACCUSED-APPELLANTS GUILTY OF THE CRIME OF ROBBERY IN BAND WITH HOMICIDE DESPITE THE INSUFFICIENCY OF THE EVIDENCE FOR THE PROSECUTION THAT WOULD WARRANT A CONVICTION BEYOND REASONABLE DOUBT.<sup>[14]</sup>

Considering the contradictory facts presented in evidence by the prosecution and the defense, the fundamental issue that must be addressed in this appeal is that of credibility of witnesses.

As this Court has invariably held, the opinion of the trial court as to which version of the commission of the crime should be believed is entitled to great respect. The oft-repeated rationale born of judicial experience is that the trial judge who heard the witnesses testify and had the occasion to observe their demeanor on the stand was in a vantage position to determine who of the witnesses deserve credence.<sup>[15]</sup> A close examination of the records reveals no justification to depart from the trial court's findings on the issue of credibility.

Appellants assert that the trial court erroneously relied on the testimonies of Felicidad and Reynaldo Macadaeg and that the Macadaegs belated identification of the appellants as the malefactors casts doubt as to the veracity of their accusation.

This assertion is unmeritorious.

Failure to immediately reveal the identities of the perpetrators of a crime does not affect, much less impair, the credibility of witnesses, more so if such delay has been adequately explained.<sup>[16]</sup> In this case, Felicidad and Reynaldo Macadaeg satisfactorily explained why they were not able to disclose appellants' identities to the authorities on the night of the crime. Felicidad was still in shock when the barangay captain and the police arrived. Thus, on cross-examination, she testified as follows:

Q - Did you tell Captain Huggang the identity of the persons who entered your house?

A - No, sir.

Q -Are you sure of that?

A - Yes, sir.

Q -Did you also tell the policemen the identity of the persons when they came that evening of December 30, 1992?

A - I did not tell them yet because I cannot remember it, sir.

Q -What can you not remember, you cannot remember their names?

A - I don't know that I am telling about yet, sir.

Q -You did not know what you are talking about them (sic) because you are not sure of their identity?

A - I know their identity, sir.

Q -But then you forgot to tell the policemen did they not ask you?

A - They did not ask me yet, sir.

Q -Even the Barangay Captain Huggang did not inquire from you the identity of the persons who entered your house?

A - No, sir.

Q -Are you sure that the policemen did not ask you the identity of the persons who went to your house?

A - Yes, sir.<sup>[17]</sup> (Underscoring supplied).

In sizing up Felicidad as a witness, the trial court said that:

x x x [t]here are portions in the testimony of Felicidad Macadaeg which seem to give rise to the idea that she could not identify the accused. But those were the result of a misappreciation of the question. The Court observed that she could not easily grasp questions which were framed in a complicated way because she did not seem very bright.<sup>[18]</sup>

Felicidad's state of mind and inability to answer directly the questions of the authorities after the commission of the crime was even observed by the investigating policeman, PO3 Jimmy Cabalo, who testified:

Q -On the night when you conducted the investigation, did you come to know already the identity of the person who shot the victim?

A - They were not able to tell us the identity of those persons who entered the house because they appeared to be frightened at that time, sir.

Q -After that investigation you conducted right in the scene of the crime, what happened next in connection with his case?

A - Not long after that they came to our office and told us that they will reveal the person who shot the victim.<sup>[19]</sup> TSN, December 3, 1993, pp. 8-9.19 (Underscoring supplied.)

The trial court noted Barangay Captain Hoggang's testimony that Felicidad was hysterical when he arrived at the crime scene, to wit: