

[SYLLABUS]

[G.R. No. 112718, March 29, 1996]

**PEOPLE OF THE PHILIPPINES, PLAINTIFF-APPELLEE, VS.
VLADIMIR CANUZO Y LANDICHO, DEFENDANT-APPELLANT.**

D E C I S I O N

BELLOSILLO, J.:

VLADIMIR CANUZO y LANDICHO was found guilty of murder and sentenced to *reclusion perpetua* and to pay the heirs of Oscar Ulitin P50,000.00 for moral damages and another P50,000.00 as reimbursement for funeral expenses.^[1]

The accused now alleges that the trial court erred in giving credence to the version of the prosecution considering that only one (1) out of its nine (9) witnesses actually saw the perpetration of the crime.

But the testimony of Ignacio Manalo, the only eyewitness to the murder, was found credible by the court *a quo*. It needed no corroboration. It stood strong and firm against the penetrating and incisive cross-examination by the defense. Unless expressly required by law, the testimony of a single witness is enough. If credible and positive it is sufficient to convict.^[2] Absent any showing of abuse of discretion there can be no basis to disturb the finding of the trial court since the assessment of a witness' credibility rests within its domain.

Reliance by the accused on *People v. Torre*^[3] is misplaced. In that case, the accused was acquitted because the prosecution failed to establish an unbroken chain of circumstances pointing to the culpability of the accused. There was no eyewitness to the commission of the crime; neither was the accused positively identified.

In contrast, the conviction of the accused by the trial court in the case before us did not hinge on circumstantial events; instead, it depended primarily on the positive identification of the accused as the perpetrator of the crime.

Ignacio Manalo clearly recounted that on 12 August 1991 at around one o'clock in the afternoon he was at the store owned by Virgilio Palo in Berinayan, Laurel, Batangas, together with Oscar Ulitin and Vicente Palo. Oscar Ulitin was sitting with crossed legs in front of the store when suddenly accused Vladimir Canuzo appeared from nowhere and shot Oscar Ulitin. While the victim was lying prostrate on the ground Vicente Palo tried to wrest possession of the gun from Vladimir Canuzo but the latter successfully defended his possession and fled towards home.

The defense would have us discard the above testimony of Manalo as it claimed that the medico-legal report did not support it. But we are not persuaded. Ignacio Manalo testified that he heard six (6) gunshots and not four (4) as posited by the defense. The redirect examination is enlightening -

- Q.** You said a while ago that the accused was at the back, little back (sic) of the deceased when he fired his gun, how many shots did you hear coming from the gun of the accused?
- A.** I heard four shots, sir.
- Q.** In that (sic) four shots that you heard, where were you then, were you still at the store or you have already hid (sic) yourself at (sic) the wall?
- A.** Not yet, sir.
- Q.** When you were already hiding yourself near the store, did you still hear shots?
- xxx xxx xxx
- A.** I still heard shots because Vicente Palo and the accused were grappling for the possession of the gun, the reason why I hid, I was afraid.
- Q.** How many shots did you hear when you were hiding?
- x x x xxx xxx
- A.** I heard two shots, sir. ^[4]

Apparently, the lower court gave full credence to the testimony of Ignacio Manalo as it ruled -

The witness is an old man of seventy-seven years who was not shown to have any reason whatsoever to falsely implicate the accused. The attempt to discredit his testimony through Virgilio Palo, the owner of the store, cannot prosper in the face of the latter's admission of total lack of knowledge of what transpired during the shooting, as he said that before and during the shooting he was not in the store but inside his house attending to his children. His declaration, therefore, that Ignacio Manalo was not in his store at the time of the shooting does not carry any weight. ^[5]

The defense would further capitalize on the testimony of Dr. Eden Niguidula to the effect that the two (2) fatal wounds were frontal. It claimed that this belied the testimony of Ignacio Manalo that Oscar Ulitin was shot "sa tabing likod." That Manalo as a witness could not be believed.

Whether or not the attack was frontal, the fact remains that Vladimir Canuzo was positively identified as the perpetrator of the crime. Granting that the attack was indeed frontal, it was still sudden and unexpected, and without giving the victim any opportunity to defend himself.

The defense attempted to disprove the presence of Ignacio Manalo at the crime scene by presenting Virgilio Palo who testified that Ignacio was nowhere in the vicinity of his store in the afternoon of 12 August 1991. This is highly incredible. The shooting happened just in front of the store of Virgilio. The victim was related to Virgilio yet the latter never - bothered to inquire as to who shot his relative. Until