

SPECIAL NINETEENTH DIVISION[*]

[CA – G.R. CEB CR-HC No. 01355, March 14, 2014]

PEOPLE OF THE PHILIPPINES PLAINTIFF-APPELLEE, VS. MANUEL CORPUZ, ACCUSED-APPELLANT.

D E C I S I O N

SALANDANAN-MANAHAN, J.:

This appeal assails the 25 March 2011 *Decision*^[1] of the Regional Trial Court, Branch 10, Abuyog, Leyte, finding accused-appellant guilty beyond reasonable doubt of the crime of Murder in Criminal Case Nos. 2389 and 2390, the dispositive portion of which reads:

“WHEREFORE, premises considered, the Court finds accused MANUEL CORPUZ guilty beyond reasonable doubt of the crime of Murder and is hereby sentenced to suffer the penalty of RECLUSION PERPETUA in each of the aforesaid cases and to pay each of the heirs of the victims P75,000.00 by way of civil indemnity; P50,000.00 as moral damages and P25,000.00 as exemplary damages to the heirs of the victim.

SO ORDERED.”

THE ANTECEDENT FACTS

The first Information^[2], indicts accused-appellant Manuel Corpuz of the crime of Murder which reads:

“That on or about the 29th day of October, 2004, in the Municipality of Abuyog, Province of Leyte, Philippines and within the jurisdiction of this Honorable Court, the above-named accused with deliberate intent to kill, with treachery and abuse of superior strength the victim being a woman and 74 years old, did then and there wilfully, unlawfully and feloniously attack, assault hack and wound one ROMANA P. ALKULAR with the use of a long bladed weapon locally known as “sundang” which the accused provided himself for the purpose, thereby hitting and inflicting upon the said ROMANA P. ALKULAR a hacking wound at the right occipital area with fracture of underlying bone which was the direct and proximate cause of her death.

ACTS CONTRARY TO LAW.”

The second Information^[3], alleges:

"That on or about the 29th day of October, 2004, in the Municipality of Abuyog, Province of Leyte, Philippines and within the jurisdiction of this Honorable Court, the above-named accused with deliberate intent to kill, with treachery and abuse of superior strength the victim being a woman and 64 years old, did then and there wilfully, unlawfully and feloniously attack, assault hack and wound one LEONILA C. GISTO with the use of a long bladed weapon locally known as "sundang" which the accused provided himself for the purpose, thereby hitting and inflicting upon the said LEONILA C. GISTO a hacking wound with laceration of right earlobe at left sternocleidomastoid area which was the direct and proximate cause of her death.

ACTS CONTRARY TO LAW."

On 30 October 2004, the accused was arrested and detained at the Abuyog District Jail.^[4]

Upon arraignment on 3 May 2005, accused Corpuz, assisted by Atty. Emelinda Maquilan, entered a plea of not guilty.^[5]

On 24 October 2005, Pre-trial was deemed terminated after the parties stipulated the facts, defined the issues, marked the evidence, named their witnesses and set the trial dates.^[6]

Trial on the merits ensued. The two (2) cases were thereafter tried jointly because they arose from the same incident.

THE EVIDENCE FOR THE PROSECUTION

The prosecution presented the following witnesses: Pedro Dejaresco, Leonilo Bongalan, Teodoro Queri-Queri and Dr. Amelia Gacis whose testimonies are summarized as follows:

The prosecution presented its principal witness Leonilo Bongalan, the son-in-law of the victim Leonila Gisto and who saw Manuel Corpuz when he killed the two (2) victims. His testimony was corroborated by Pedro Dejaresco and Teodoro Queri-Queri.

Leonilo Bongalan testified that at around 4:00 o'clock in the afternoon of 29 October 2004, he followed his mother-in-law Leonila Histo at her farm in Brgy. Maitom, Abuyog, Leyte.^[7] Suddenly, appellant, who was holding a bolo, more or less twenty-six (26) inches in length, hacked the two (2) helpless victims Leonila Histo and Romana Arcular. Without warning, appellant struck the victims in their heads, particularly on their napes, with a bolo, causing them to fall down and die instantly.^[8] When Leonilo saw this, he ran away and cried out for help towards the Barangay Captain Joaquinito Poliquit.^[9] Thereafter, they went to the police station to report the incident.^[10] He sought the assistance of Barangay Officials in retrieving the two (2) bodies of the victims when they brought to the chapel.^[11]

Pedro Dejaresco and Teodoro Queri-Queri testified that on 29 October 2004 at about

4:00 o'clock in the afternoon, while they were on their way home from the coconut plantation where Pedro was tending at Brgy. Maitom, Abuyog, Leyte, they saw appellant who came from the place of the incident, half-naked and carrying a bolo. [12] The appellant was about one hundred fifty (150) meters away from the place of the incident. [13] Earlier, Pedro already heard rumors that a killing incident took place in the said barangay. Pedro saw the bodies of the victims on the following day when he went to the chapel. [14] Teodoro, on the other hand, helped the Barangay Tanods in retrieving the dead bodies of the victims at the mountain. [15]

Dr. Amelia C. Gacis, a Medico-Legal Officer of the Municipal Health Officer of Abuyog, Leyte, conducted the autopsy on the remains of Leonila Histo and Romana Arcular. Her findings on the bodies Romana Arcular and Leonila Histo, respectively, are as follows:

"In my post-mortem preliminary findings - fairly developed, fairly nourished female cadaver in the state of rigor mortis. In my examination findings - positive hackingwound directed to the heart, five inches in length with fracture of the underlying bone. The cause of death is acute hemorrhagic shock secondary to hacking wound.

and

My examination findings - fairly developed, fairly nourished female cadaver in state of rigor mortis. Positive hacking wound, six inches in length with laceration of right earlobe at left sternum occipital area muscle deep. Cause of death was acute hemorrhagic shock secondary to hacking wound."

On 12 November 2008, the prosecution formally offered Exhibits "A" to "D" with sub-markings which were admitted [16] by the trial court.

THE EVIDENCE FOR THE DEFENSE

To disprove the prosecution's claim, the defense relied on the theory of denial. The defense presented two (2) witnesses, namely: appellant's wife Annabelle Corpuz and the accused-appellant Manuel Corpuz himself.

The gist of their testimonies are as follows:

Appellant, on the other hand, denied the charges against him. He testified that he was cultivating Nelson's land when the crimes were committed. [17] He was even accompanied by Nelson Castos and a certain Eke in going home after the day's work. [18] When he reached home at around 5:30 in the afternoon, his wife and children, were already there. On the following day, he was arrested by the police officers of Abuyog, Leyte. He then learned that two (2) women were killed and that he was incriminated as the person responsible for their death. [19] When he was already incarcerated, he learned that he was being charged with two (2) counts of murder.

The defense also presented appellant's wife Annabelle Corpuz who testified that she went to Nelson Castos' house on 29 October 2004, at around 9:00 o'clock in the

morning, when she saw appellant Nelson and Eke plowing the field. The field is located just in front of Nelson's house.^[20] She recalled that appellant and company finished plowing at around 11:00 o'clock in the morning. Then after eating their lunch, they returned to work at 1:00 o'clock in the afternoon and finished at 5:00 o'clock in the afternoon. She further testified that she and their children accompanied appellant while walking towards home. They reached their home at around 6:00 o'clock in the evening.^[21] On the following day, appellant was arrested by the police officers after plowing Nelson's farm and that was the time she came to know that her husband was charged with Murder for the death of Leonila Histo and Romana Arcular.

On 23 October 2009, the defense formally offered^[22] Exhibit "1" with sub-markings, which the trial court admitted.^[23]

On 25 March 2011, the trial court rendered the assailed Decision. Aggrieved, accused-appellant instituted the instant appeal,^[24] reiterating his innocence and assigned the following errors:

I

THE TRIAL COURT ERRED IN GIVING CREDENCE TO THE INCREDIBLE AND UNRELIABLE TESTIMONY OF THE PROSECUTION'S WITNESSES.

II

THE TRIAL COURT ERRED IN CONVICTING THE ACCUSED-APPELLANT OF THE CRIME CHARGED DESPITE THE FAILURE OF THE PROSECUTION TO PROVE HIS GUILT BEYOND REASONABLE DOUBT.

OUR RULING

On the first assigned error

Appellant belittles the testimonies of the prosecution witnesses for having different versions of the incident. Leonilo testified that the victim Leonila Histo was struck on the right nape, while Dr. Amelia Gacis claimed that she was hit on the left sternum occipital area. He further contends that the testimony of prosecution's eyewitness is contradictory with the police blotter. Hence, their testimonies were infested with disparity which is not inconsequential, but rather, it affects the credibility of their testimonies.^[25]

The appellee, represented by the Office of the Solicitor General, argues that contrary to appellant's assertions, sufficient and clear evidence exists on record to prove appellant's guilt for the crime of Murder. What is important is that prosecution witness Leonilo Bongalan saw the incident and positively identified appellant as the person who hacked Leonila Histo and Romana Arcular. Further, the hacking incident was corroborated by the testimonies of prosecution witnesses Pedro Dejaresco and Teodoro Queri-Queri when they saw appellant holding a bolo and came from the place where the victims were killed and near the time when the hacking incident occurred. Furthermore, appellant failed to impute any ill-motive to cast doubt on their testimonies.^[26]

The appeal lacks merit.

Appellant principally attacks the credibility of prosecution witness Leonilo Bongalan and Dr. Amelia Gacis. Jurisprudence has decreed that the issue of credibility of witnesses is "a question best addressed to the province of the trial court because of its unique position of having observed that elusive and incommunicable evidence of the witnesses' deportment on the stand while testifying which opportunity is denied to the appellate courts"^[27] and "absent any substantial reason which would justify the reversal of the trial court's assessments and conclusions, the reviewing court is generally bound by the former's findings, particularly when no significant facts and circumstances are shown to have been overlooked or disregarded which when considered would have affected the outcome of the case."^[28]

In *People vs. Bi-ay, Jr., et al.*,^[29] the Supreme Court held:

"Truth-telling witnesses are not expected to give flawless testimonies, considering the lapse of time and the treachery of human memory. The Court has stated time and again that minor inconsistencies in the narration of witnesses do not detract from their essential credibility as long as their testimonies on the whole are coherent and intrinsically believable. Inaccuracies may in fact suggest that the witnesses are telling the truth and have not been rehearsed. Instead, they may even serve to strengthen their credibility as they negate any suspicion that their testimonies have been fabricated or rehearsed."

The test is whether the testimonies agree on essential facts and whether the respective versions corroborate and substantially coincide with each other so as to make a consistent and coherent whole.^[30]

Here, the trial court gave credence and full probative weight to the testimony of Leonilo who saw the appellant when he hacked the two (2) victims. Appellant had not shown any sufficiently weighty reasons for us to disturb the trial court's evaluation of the prosecution eyewitness' credibility. In particular, we defer to the trial court's firsthand observations on Leonilo's deportment while testifying and its veritable assessment of his credibility.

Appellant argues that the facts as stated to in the police blotter appears to be inconsistent with Leonilo's testimonies given in open court. However, police blotter cannot prevail over testimonies in open court. With that in perspective, this Court, therefore, has no reason to dispute the trial court's appreciation of the credibility of the prosecution witnesses' testimonies. Deeply entrenched in our jurisprudence is the rule that the assessment of the credibility of witnesses is a domain best left to the trial court judge, because of his unique opportunity to observe their demeanor on the witness stand. These are generally binding and conclusive upon this Court.^[31]

Leonilo Bongalan, who was twenty (20) meters, from the appellant and his victims at the time of the incident and taking into consideration that the incident happened in broad daylight, clearly saw and recognized appellant Manuel Corpuz when he simultaneously hacked the two (2) aged women victims. Subsequently, accused was also seen by the prosecution witnesses Pedro Dejaresco and Teodoro Queri-Queri at