

## THIRD DIVISION

[ G.R. No. 215320, February 28, 2018 ]

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

### D E C I S I O N

**MARTIRES, J.:**

On appeal is the 14 March 2014 Decision<sup>[1]</sup> of the Court of Appeals (CA) in CA-G.R. CEB CR-HC No. 01355, which affirmed with modification the 25 March 2011 Decision<sup>[2]</sup> of the Regional Trial Court of Abuyog, Leyte, Branch 10 (RTC), in Criminal Case Nos. 2389 and 2390, finding herein accused-appellant Manuel Corpuz (*Manuel*) guilty beyond reasonable doubt of two (2) counts of Murder, defined and penalized under Article 248 of the Revised Penal Code (RPC).

### THE FACTS

On 18 January 2005, Manuel was charged with two (2) counts of murder committed upon the persons of Romana P. Arcular (*Romana*) and Leonila C. Risto (*Leonila*) under two (2) Informations, which accusatory portions read:

#### Criminal Case No. 2389

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 willfully, unlawfully and feloniously attack, assault, hack and wound one ROMANA P. AR[C]ULAR 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. AR[C]ULAR a [hack] wound at the right occipital area with fracture of underlying bone which was the direct and proximate cause of her death.<sup>[3]</sup>

#### Criminal Case No. 2390

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 willfully, unlawfully and feloniously attack, assault, hack and wound one LEONILA C. [H]ISTO 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. [H]ISTO a [hack] wound with laceration of the right earlobe at left sternocleidomastoid area which was the direct and proximate cause of her death.<sup>[4]</sup>

On 3 May 2005, Manuel, with the assistance of counsel, was arraigned and pleaded not guilty to the charges against him.<sup>[5]</sup> Trial on the merits thereafter ensued.

### ***Evidence for the Prosecution***

The prosecution presented four (4) witnesses, namely: Pedro Dejaresco (*Pedro*), Leonilo Bongalan (*Leonilo*), Teodoro Queri-queri (*Teodoro*), and Dr. Amelia C. Gacis (*Dr. Gacis*). Their combined testimonies tended to establish the following:

On 29 October 2004, at around 2:00 o'clock in the afternoon, Leonila told Leonilo, her son-in-law, that she would go to her farm situated at Barangay Maitom, Abuyog, Leyte.<sup>[6]</sup> Later, at around 4:00 o'clock in the afternoon, Leonilo went to the farm to check on his mother-in-law.<sup>[7]</sup> Upon reaching the farm, he saw Manuel hacking Leonila and Romana with a bolo about 26 inches in length.<sup>[8]</sup> Leonila was hit in the right nape,<sup>[9]</sup> while Romana was hit in the left nape.<sup>[10]</sup> Both victims fell to the ground.<sup>[11]</sup> After witnessing the incident, Leonilo ran towards the house of Juaquinito Poliquit (*Juaquinito*), the Barangay Captain of Barangay Maitom.<sup>[12]</sup> After reporting the incident and that Manuel was the assailant,<sup>[13]</sup> Leonilo and Juaquinito proceeded to the police station where the incident was again reported. Thereafter, the victims were brought to the chapel and later autopsied at the Rural Health Unit.<sup>[14]</sup>

Meanwhile, at around 4:00 o'clock in the afternoon of the same day, Pedro and Teodoro were on their way home when they saw Manuel on the trail, half-naked and holding a bolo. They noted that Manuel came from the direction of the place where the incident happened.<sup>[15]</sup>

The postmortem examinations<sup>[16]</sup> conducted by Dr. Gacis on the cadavers of the deceased revealed that each victim sustained a fatal hack wound. In particular, Dr. Gacis testified that Romana sustained a hack wound in the back close to the heart which possibly hit the occipital area about five (5) inches long, and which fractured the underlying bone; while Leonila sustained a hack wound six (6) inches long which lacerated the right ear lobe at the left sternum occipital area. Dr. Gacis stated that it was possible that the assailant used a sharp-bladed weapon such as a *bolo* or *sundang*.<sup>[17]</sup>

At the time of death, Romana was 74 years old,<sup>[18]</sup> while Leonila was 65 years old.<sup>[19]</sup>

## ***Evidence for the Defense***

The defense presented Manuel and his wife Annabelle Corpuz (*Annabelle*) as witnesses. Their testimonies sought to establish the defenses of alibi and denial, as follows:

On 29 October 2004, at around 4:00 o'clock in the afternoon, Manuel was at Barangay Capilian, Abuyog, Leyte, with one Nestor Castos (*Nestor*), and a certain Ike, who hired him to cultivate and plow his rice field.<sup>[20]</sup> On that day, he arrived at Barangay Capilian at around 8:00 o'clock in the morning and stayed there until 4:30 p.m.. He took his lunch at the said barangay:<sup>[21]</sup> After completing his task, he walked home with Nestor and Ike and arrived at his house at Barangay Maitom, Abuyog, Leyte, at around 5:30 p.m..<sup>[22]</sup> Manuel maintained that he only learned of the deaths of Leonila and Romana after he was apprehended by the police.<sup>[23]</sup>

Manuel was 40 years old when he took the witness stand on 17 July 2009.<sup>[24]</sup>

Annabelle corroborated Manuel's testimony that he plowed Nestor's rice field on 29 October 2004, from morning until around 5:00 o'clock in the afternoon.<sup>[25]</sup> She stated that at that time she was actually at Nestor's house which faced the rice field as she was tasked to cook lunch.<sup>[26]</sup> After Manuel finished plowing Nestor's rice field, they left and arrived at their house at around 6:00 o'clock in the afternoon.<sup>[27]</sup> In answer to the clarificatory questions by the judge, Annabelle stated that the distance between their house in Brgy. Maitom and Nestor's house is the same as the distance from the courtroom to the market place, estimated to be around 200 meters.<sup>[28]</sup>

The defense further submitted in evidence a copy of the police blotter<sup>[29]</sup> taken when Leonilo and Juquinito reported the incident to the Abuyog Police Station. In the said police blotter, it was stated that the suspect was still unknown; and that Leonilo saw the dead bodies of Leonila and Romana, without any indication about witnessing the actual hacking of the two by Manuel.

## ***The RTC Ruling***

In its decision, the RTC found Manuel guilty beyond reasonable doubt of two (2) counts of murder. The trial court gave credence to the testimony of Leonilo considering that he knew Manuel prior to the incident; that the incident happened in broad daylight; and that no improper motive was attributed to him in testifying against the accused. The trial court was also convinced that the qualifying aggravating circumstance of abuse of superior strength attended the commission of the crimes. The dispositive portion of the decision 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 victims.<sup>[30]</sup>

Aggrieved, Manuel appealed before the CA.<sup>[31]</sup>

### ***The CA Ruling***

In its appealed decision, the CA affirmed with modification the RTC decision. The appellate court ruled that Manuel offered no sufficient reason to disturb the trial court's evaluation of the prosecution eyewitness' credibility. The appellate court further ruled that treachery and abuse of superior strength attended the commission of the crimes thereby qualifying them to murder. The appellate court, however, modified the RTC decision with respect to the award of damages by increasing exemplary damages to P30,000.00 from P25,000.00, and additionally awarding P25,000.00 as temperate damages for each count of murder. The dispositive portion of the appealed decision provides:

**WHEREFORE**, premises considered, the Appeal is **DENIED**. The *Decision* dated 25 March 2011 of the Regional Trial Court, Branch 10, Abuyog, Leyte in Criminal Case Nos. 2389 and 2390 finding accused appellant Manuel Corpuz guilty beyond reasonable doubt for the crime of Murder is hereby **AFFIRMED with MODIFICATION**. He is sentenced to suffer the penalty of *Reclusion Perpetua* without eligibility for parole.

He is further ordered to pay the heirs of Leonila Histo and Romana Arcular the following:

1. Seventy-Five Thousand Pesos (Php 75,000.00) as civil indemnity;
2. Fifty Thousand Pesos (Php 50,000.00) as moral damages;
3. Thirty Thousand Pesos (Php 30,000.00) as exemplary damages;  
and
4. Twenty-Five Thousand Pesos (Php 25,000.00) as temperate damages.

All monetary awards for damages shall earn interest at the legal rate of 6% per annum from date of finality of this Decision until fully paid. <sup>[32]</sup>

Hence, this appeal.

### **ISSUE**

WHETHER THE TRIAL AND APPELLATE COURTS ERRED IN CONVICTING ACCUSED-APPELLANT MANUEL CORPUZ FOR THE DEATHS OF ROMANA ARCULAR AND LEONILA HISTO DESPITE THE PROSECUTION'S FAILURE TO PROVE HIS GUILT BEYOND REASONABLE DOUBT.<sup>[33]</sup>

### **THE COURT'S RULING**

The appeal lacks merit.

***No reason to disturb factual findings by the trial court; prosecution eyewitness is credible.***

Manuel insists that the trial and appellate courts erred in ruling that the prosecution was able to prove his guilt beyond reasonable doubt. He argues that his conviction was based mainly on the testimony of Leonilo who, however, is not a credible witness. He points out that the police blotter clearly contradicts Leonilo's testimony that he actually saw Manuel hack Leonila and Romana. Thus, there is reasonable doubt on Leonilo's identification of Manuel as the person responsible for the deaths of the two victims.

The Court is not persuaded.

Entries in the police blotter are not evidence of the truth thereof but merely of the fact that the entries were made.<sup>[34]</sup> Affidavits executed before the police or entries in such police blotters cannot prevail over the positive testimony given in open court.<sup>[35]</sup> The entry in the police blotter is not necessarily entitled to full credit for it could be incomplete and inaccurate, sometimes from either partial suggestions or for want of suggestions or inquiries. Without the aid of such the witness may be unable to recall the connected collateral circumstances necessary for the correction of the first suggestion of his memory and for his accurate recollection of all that pertain to the subject. It is understandable that the testimony during the trial would be more lengthy and detailed than the matters stated in the police blotter.<sup>[36]</sup>

In this case, Leonilo positively identified Manuel as the person who hacked the two victims. He was certain that it was Manuel whom he saw having known him for years prior to the incident, thus:

PROS. MONTALLA:

Q. Did you recognize the person who hacked your mother-in-law?

A. Yes, Sir.

Q. Who was he?

A. Manuel Corpuz.

Q. If Manuel Corpuz is in court now, will you please point him out?

A. That one.

INTERPRETER:

Witness pointing to a lone accused seated at the accused bench and identified himself as Manuel Corpuz.

[PROS. MONTALLA:]