

FIRST DIVISION

[G.R. No. 126123, March 09, 1999]

**PEOPLE OF THE PHILIPPINES, PLAINTIFF-APPELLEE, VS.
RENATO PLATILLA, ACCUSED APPELLANT.**

D E C I S I O N

KAPUNAN, J.:

In an information filed on October 14, 1988, Joaquin Platilla and Renato Platilla were charged before the Regional Trial Court of Palo, Leyte, in Criminal Case No. 8734, with the crime of murder allegedly committed as follows:

That on or about the 9th day of September, 1988, in the City of Tacloban, Philippines and within the jurisdiction of this Honorable Court, the above-named accused, conspiring and confederating together and mutually helping each other, with intent to kill and with evident premeditation, did, then and there, wilfully, unlawfully and feloniously attack, assault, stab and wound one CESARIO LABITA with the use of bolos which the accused had provided themselves for the purpose, thereby inflicting upon him several wounds on the different parts of his body which caused his instantaneous death.^[1]

Joaquin Platilla was arrested on the same day the stabbing incident took place. He admitted his culpability and pleaded guilty to the lesser offense of Homicide.^[2] He was sentenced by the trial court to a penalty of (twelve) 12 years and (one) 1 day to (fourteen) 14 years and (eight) 8 months of reclusion temporal, and was asked to indemnify the heirs of Cesario Labita the amount of P30,000.00 without subsidiary imprisonment in case of insolvency.^[3]

Accused-appellant Renato Platilla, on the other hand, was apprehended only 2 March 1994, almost six years after the incident took place.^[4] Upon arraignment, he pleaded Not Guilty and waived pre-trial.^[5] Thereafter, trial ensued.

The prosecution^[6] presented evidence establishing the following:

In the afternoon of 9 September 1988, Eduardo Andalahao employed the services of Cesario Labita to transport by means of his pedicab the rice bran which the former intended to purchase in Cocomart, Marasbaras, Tacloban City. On their way back to Barangay San Jose after buying the rice bran, Labita and Andalahao, together with another passenger, took the route via the Coca-Cola plant. While Labita was driving, accused-appellant suddenly appeared, carrying a long bolo, and pursued the former from a distance of ten (10) meters.^[7] Labita pedalled faster but the weight of the pedicab's load prevented him from securing a safe distance from accused-appellant. At the beginning of the chase, accused-appellant failed to catch up with Labita who

jumped out of the pedicab and ran. Fearing that the pedicab, now without a driver, would absolutely go out of control, Andalahao grabbed hold of its handlebar and tried to keep it on course.

Meanwhile, Labita continued to run towards the direction of Burayan, San Jose. He already gained some distance from accused-appellant when he was blocked on his path by accused-appellant's brother, Joaquin, who was standing by his parked pedicab.^[8] Armed with a long bolo, locally known as "sundang," Joaquin stabbed Labita, deeply piercing his chest.^[9] Before Joaquin could pull out the bolo from Labita's body, accused-appellant arrived, and stabbed Labita on the side of his body with his long bolo.^[10] With the two bolos still punctured in his body, Labita fell into a ditch together with his two (2) assailants. There, appellant and Joaquin removed their bolos from the body of Labita. Afterwards, they took turns in wounding Labita.^[11]

Andalahao witnessed all these from just across the street where Labita's pedicab, after continuously moving under Andalahao's control, grinded to a halt. While all these were happening a policeman riding a motorcycle passed by. Andalahao called his attention and informed him about the incident and the participation of accused-appellant and Joaquin in the stabbing of Labita.^[12] Joaquin surrendered himself and the two (2) bolos to the policeman claiming sole authorship and responsibility for the incident. For this reason the policeman brought only Joaquin to the police station for further investigation. Accused-appellant, on the other hand, left the scene of the crime and brought with him his brother's pedicab. Andalahao went to the San Jose police station and reported the occurrence. Labita was left behind lying in the ditch.

In the meantime, an unknown caller informed the Tacloban City Police Station about the stabbing incident. In response, SPO3 Nestor Manocsoc with some companions went to the scene of the crime in Burayan and found Labita lying by the roadside. They brought Labita to the Tacloban City Hospital where he was pronounced dead on arrival.

Prosecution witness Encarnacion Labita testified that she was the mother of the victim. She disclosed that her son was married and had three children. She related that the wife of Labita went to Manila to work. She said that she spent a total of P4,800.00 for the burial of her son.

On the other hand, the defense interposed a different version of the incident.

Accused-appellant testified at around 3:00 p.m. of 9 September 1988, he was at their place in Dulag, harvesting the palay at the ricefield of one Wilfredo Dasugbo.^[13] He alleged that he worked that day from 7:00 a.m. to 12:00 noon and from 2:00 p.m. to 5:00 p.m. He further stressed that he did not go to San Jose, Tacloban City, on 9 September 1988.

Accused-appellant contended that he was implicated in this case because he was the cause of an incident which involved his brother Joaquin. According to him, both he and Labita were pedicab drivers. Sometime in August, 1988, he drove two passengers to the airport. When these passengers alighted, they left their bag in his pedicab. Labita, who was behind accused-appellant on the way to the airport, saw this. Labita allegedly approached accused-appellant and asked the latter to give him

the bag because he knew the passengers. Accused-appellant gave the bag to Labita without question. Afterwards, Labita returned the bag to accused-appellant who did not know that certain things from the bag were already missing. According to accused-appellant, these were a pair of pants and a jacket. The owner of the bag, one of the passengers, came to see him for the missing bag. He gave back the bag with the missing articles. When the owner found out that there were items missing in his bag he became angry with accused-appellant. However, despite this, he did not inform the owner of the cause of the loss.

Accused-appellant told his brother Joaquin about this incident. His brother got angry upon learning about it and advised him to go to Dulag. Accused-appellant testified that after Labita returned the bag to him he never saw him again.

Accused-appellant declared that he came to know that Joaquin stabbed Labita to death when he visited him in jail, four (4) days after the occurrence.^[14] He further averred that he never left Dulag after he was advised by Joaquin to go home. He was apprehended only on 2 March 1994, at Manlurip, San Jose.^[15]

Accused-appellant testified that Joaquin never told him that he was included in the charge even while the latter was at the Abuyog Penal Colony or even after he was paroled.

On 20 November 1995, the trial court^[16] rendered judgment convicting the appellant of the crime charged. The dispositive portion of the decision reads:

WHEREFORE, premises considered, judgment is hereby rendered finding accused RENATO PLATILLA guilty beyond reasonable doubt of the crime of Murder as defined and penalized under Article 248 of the Revised Penal Code and there being no mitigating or aggravating circumstance to offset the same, the Court hereby sentences said accused to suffer the penalty of Reclusion Perpetua and to reimburse the heirs of the said victim the consequential damages suffered by them as a result of the death of Cesario Labita. Furthermore, the accused is hereby ordered to pay the heirs of the victim the amount of P50,000.00 by way of moral damages and to pay the costs.^[17]

Accused-appellant thereafter interposed the present appeal to this Court, assigning this lone error:

THE TRIAL COURT ERRED IN FINDING THE ACCUSED GUILTY BEYOND REASONABLE DOUBT OF THE CRIME OF MURDER.^[18]

In support of the above contention, accused-appellant argues that from the reading of the testimony of Eduardo Andalahao it is doubtful if he really saw the stabbing of Labita. He also puts up the defense of alibi and denies having participated in the commission of the crime. He maintains that his delayed arrest and the lack of interest of the police to apprehend him weaken the prosecution's theory regarding his involvement in the killing of Labita. Finally, he asserts that he should be made liable only for homicide and not for the higher offense of murder since the prosecution failed to establish the presence of evident premeditation in the commission of the crime.

The Office of the Solicitor General, on the other hand, contends that the prosecution has clearly established the guilt of accused-appellant beyond reasonable doubt. Moreover, the unwavering and unqualified testimony of prosecution witness Eduardo Andalahao clearly established appellant's culpability.

We affirm the conviction of the accused but only for the crime of Homicide.

Appellant assails the credibility of prosecution witness Eduardo Andalahao. He disputes that Andalahao could not have been a real eyewitness to the killing of Labita because while the physical evidence shows that the victim suffered from so many wounds (16 stabs), Andalahao merely mentioned that Labita was stabbed only twice, once each by appellant and Joaquin. The testimony of Andalahao belies this averment. Andalahao, the lone eyewitness for the prosecution, testified in clear and unequivocal terms that he saw both appellant and his brother Joaquin help each other in wounding Labita, to wit:

Q: You said you used the road passing Cocacola plant, on your way, was there an unusual incident that happened?

A: Yes, on our way home.

Q: What was this unusual incident?

A: Renato Platilla ran after us carrying a long bolo locally known as Sundang.

Q: How do you know that you were being chased by Renato Platilla who was carrying a long bolo?

A: Because we were the only ones who passed.

Q: How far were you when you saw Renato Platilla carrying a long bolo and chasing you?

A: About 10 meters more or less away.

Court:

Was Renato Platilla able to catch up with you?

A: No, your Honor, because Cesario Labita jumped from the pedicab.

x x x

Q: When Cesario Labita jumped from the pedicab, how far was Renato Platilla who was chasing him?

A: He was further away already. He could have been very far if Renato's older brother did not block the way.

x x x

Q: Will you tell the Court why Joaquin Platilla blocked the way of

Cesario Labita?

A: Cesario was running towards another pedicab which was parked and Joaquin was the driver of said pedicab. When Cesario passed the place where Joaquin was, he was the first one to stab Cesing.

Q: With (sic) what kind of weapon was used in stabbing Cesario Labita by Joaquin?

A: Sundang, the same weapon, a long bolo or Sundang.

x x x

Q: That time when Cesario Labita was stabbed by Joaquin Platilla, how far was Renato Platilla?

A: He was running towards them.

Q: How far was he during the stabbing of Cesario Labita?

A: Before the long bolo embedded into the body of Cesario was taken out, Renato also stabbed Cesario.

Q: With (sic) what kind of weapon was used by Renato in stabbing Cesario?

A: Sundang, a long bolo, the same long bolo as the other one.

Q: What part of the body of Cesario was hit when Renato hit Cesario?

A: On the side through and through.

Q: Why do you say through and through, did you see the tip of the bolo?

A: Yes, Sir. Before the same long bolo was taken out from the body of the victim, the three of them fell to the ditch.

Q: When the three of them fell to the ditch, do you know what happened?

A: The two helped each other in wounding the victim. ^[19]

It is evident from the foregoing declarations of Andalahoo that accused-appellant and Joaquin dealt much more than two (2) stab blows on the victim, and, this is consistent with the findings on Labita's death certificate^[20] and the medico-legal necropsy report.^[21] The medico-legal necropsy report submitted by Major Angel A. Cordero, Chief Medico-Legal Officer of Camp Sec. Ruperto Kangleon, PC Hills, Palo, Leyte, indicated that the contusions, lacerations and stabbed wounds found on the body of the deceased corresponded with Andalahoo's narration of how the accused had acted together in attacking the victim; viz: