

EN BANC

[G.R. No. 129694, August 18, 1999]

**PEOPLE OF THE PHILIPPINES, PLAINTIFF-APPELLEE, VS.
ALFREDO MANTE, ACCUSED-APPELLANT.**

D E C I S I O N

VITUG, J.:

Alfredo Mante, herein accused-appellant, was sentenced to die by lethal injection by the Regional Trial Court, Branch 34, of Panabo, Davao, after having been charged with and found guilty of murder. The death penalty having been decreed, the case was elevated to this Court for *automatic review* in consonance with Republic Act No. 7659.

The information that charged Alfredo Mante for the offense read:

"That on or about November 29, 1994, in the Municipality of Santo Tomas, Province of Davao, Philippines, and within the jurisdiction of this Honorable Court, the above-named accused, with treachery and evident premeditation, with intent to kill and armed with a hunting knife, did then and there wilfully, unlawfully and feloniously attack, assault and stab one Evelyn Into, thereby inflicting upon her wounds which caused her death, and further causing actual, moral and compensatory damages to the heirs of the victim.

"CONTRARY TO LAW."^[1]

The accused pleaded "not guilty" to the charge when arraigned; forthwith, trial ensued.

The facts according to the prosecution, predicated largely on the testimony of its lone witness, Jerson Into, were narrated in the People's Brief submitted by the Solicitor General.

On 29 November 1994, at around four o'clock in the afternoon, Evelyn Into and her son, Jerson Into, were on their way to Tulalian, their home in barangay Sto. Tomas, Davao, after they had their corn milled in the nearby town of Panabo, Davao. Arriving in Tulalian at around five o'clock in the afternoon, Evelyn and Jerson alighted from the passenger jitney which brought them from Panabo. Jerson saw the accused, sporting a yellow "*sando*" and "*maong*" pants, near the store where the jitney had stopped. After unloading the milled corn from the vehicle, Evelyn and Jerson proceeded to walk home towards Purok 6 of Tulalian. Jerson noticed that the accused had left shortly ahead of them. When Evelyn and Jerson were about to reach their house, the accused, whom Jerson had seen trying to hide under a cacao tree moments earlier, suddenly blocked their path and, without uttering any word, struck Evelyn with a hunting knife on her right breast. Evelyn attempted to get

away. Just as she had shouted at her son to flee, she was stabbed once again by the accused at her back. She fell, and the accused hastily fled. Jerson rushed back to attend to his mother. Unfortunately, she succumbed in no time to her wounds. Jerson sought the help of Roy Codenes, a neighbor, but the latter hurriedly left evidently because of fear. When "CAFGU" members arrived at the crime scene and asked who had been responsible for the killing, Jerson immediately named the accused, Alfredo Mante, as being the assailant.

The defense interposed denial and *alibi*.

The accused testified that on 18 November 1996 he went straight home after the day's work. He first fed the pigs in their yard and then prepared the feeds for the following day. He took his supper and was ready to go to bed when he heard someone, whose voice he recognized to be that of a certain "Doc," calling from outside the house. Informed that the commander of the CAFGU was interested in seeing him, the accused proceeded to the commander's house. He did not realize why he was being summoned until minutes later when some people passed by in front of the commander's house carrying a dead person. It was only then that he was informed of being the suspected assailant. The accused was brought to the Tibal-og Police Station where he denied the accusation.

After assessing the evidence before it, the Regional Trial Court, Branch 34, of Panabo, Davao, found accused Alfredo Mante guilty beyond reasonable doubt of the crime of murder. The court adjudged:

"WHEREFORE, the Court finding the accused Alfredo Mante guilty, with having committed the crime of Murder, and beyond reasonable doubt, for the killing of Evelyn Into, hereby imposes on said accused the Supreme penalty of death.

"Accused is further directed to pay the offended party of P10,000.00 for expenses for wake; P6,000.00 for embalming and P3,000.00 for the tomb and further the sum of P50,000.00 as moral damages."^[2]

The Public Attorney's Office, representing appellant, assails the sufficiency of the evidence to warrant a finding of guilt beyond reasonable doubt. The defense contends that the prosecution has failed to ascertain the identity of the perpetrator of the crime charged.

The Court disagrees; it is convinced that the eyewitness account given by Jerson Into has amply established the case for the prosecution.

Jerson on direct-examination testified:

"Q You mean to say, both of you and your mother walked in going to your home?

"A Yes, sir.

"Q Did you reach to your home?

"A No sir.

"Q Why?

"A Because we were blocked by Alfredo Mante.

"Q In what particular place did the accused block your mother?

"A Near his house.

"Q That was when you were about to pass the trail going to your house?

"A Yes, sir.

"Q That was already 6:00 o'clock in the evening as you said earlier. Now, how were you able to identify that Alfredo Mante is the person who stabbed your mother?

"A When we reached at Purok 6, we saw him there waiting, and after we unloaded our cargoes from the Cart, he suddenly disappeared.

"Q In other word, before your mother was stabbed by this accused, you had seen him earlier before that time?

"A Yes, sir. He went ahead of us and proceeded to his house and there, he was already waited for us.

"xxx xxx xxx

"Q You earlier pointed the accused, Alfredo Mante as the assailant of your mother, how long have you known him?

"A I knew him for a while.

"Q How long have you knew him?

"A I knew him long ago because I always visited my grandmother before.

"Q About one year before that incident?

"A About three (3) years.

"Q Is the accused has a family?

"A Yes, sir.

"Q How many children?

"A Only one, sir.

"Q What is the name of his wife?

"ATTY. EVANGELIO:

Objection, Your Honor, not part of the offer.

"PROS. BIJIS:

Only to ascertain, Your Honor, the identity of the family of the accused, Your Honor.

"COURT:

Question is allowed. Proceed.

"COURT INTERPRETER:

(A - Nickname of `Niding.')

"PROS. BIJIS:

What is the occupation of the accused?

"ATTY. EVANGELIO:

Objection.

"COURT INTERPRETER:

(A - Farmer.)

"PROS. BIJIS:

"Q Does he own a land?

"A He has no land.

"Q Whose land is this accused cultivated?

"A The land owned by my grandmother.

"COURT:

"Q What is the name of your grandmother?

"A Anita Jimino.

"PROS. BIJIS:

"Q Where is that land located?

"A At Tulalian, Sto. Tomas, Davao.

"Q Do you know whose land the accused had cultivated?"^[3]

On cross-examination, Jerson admitted that the face of the assailant, when the stab thrusts were delivered, was covered with a yellow *sando* but Jerson was quick to explain thus: