

THIRD DIVISION

[G.R. No. 115470, October 13, 1999]

**PEOPLE OF THE PHILIPPINES, PLAINTIFF-APPELLEE, VS.
ANTONIO MANEGDEG ALIAS "MANING," ACCUSED-APPELLANT.**

D E C I S I O N

GONZAGA-REYES, J.:

Before us is an appeal from the Decision of February 21, 1994 of the Regional Trial Court of Bangui, Ilocos Norte, Branch 19 in Criminal Case No. 958-19 convicting accused-appellant Antonio Manegdeg alias "Maning" of the crime of murder as follows:

"WHEREFORE, the Court finds the accused guilty beyond reasonable doubt of murder, qualified by treachery, as charged, defined and penalized under Article 248 of the Revised Penal Code, as amended, and hereby sentences him to *reclusion perpetua*, with all the accessory penalties provided by law, and further sentences him to pay to the heirs of Federico Abian compensatory damages in the amount of FIFTY THOUSAND PESOS (P50,000.00), Philippine currency, and moral damages in the amount of TWENTY THOUSAND PESOS (P20,000.00), Philippine currency, with interest to be computed at the legal rate from the finality of the decision until fully paid, and also to pay the costs.

He shall be credited in the service of his sentence the full time during which he had undergone preventive imprisonment if he agreed voluntarily in writing to abide by the same disciplinary rules imposed upon convicted prisoners, otherwise, he shall be credited in the service thereof with only four-fifths of the time during which he had undergone preventive imprisonment.

SO ORDERED."^[1]

The information against accused-appellant reads:

"The undersigned Assistant Provincial Prosecutor of Ilocos Norte accuses ANTONIO MANEGDEG alias "Maning", a resident of Brgy. 2, Pagudpud, Ilocos Norte, of the crime of MURDER, committed as follows:

That on or about June 6, 1992, at about 1:00 o'clock P.M., in the municipality of Pagudpud, Province of Ilocos Norte, Philippines, and within the jurisdiction of this Honorable Court, the above-named accused, with intent to kill and with treachery and being then armed with a bladed weapon (imuko), did then and there willfully, unlawfully and feloniously attack, assault and stab one Federico A. Abian with the use of said weapon, thereby inflicting upon said Federico A. Abian "Sutured stab

wound 6 cms. epigastric area, abdomen" which eventually caused his death.

CONTRARY TO LAW."^[2]

Upon arraignment, accused-appellant Antonio Manegdeg entered a plea of not guilty and trial thereafter ensued.

The Office of the Solicitor General summarized the facts as viewed by the prosecution witnesses, to wit:

"On June 5, 1992, Zosimo Batulan was in the house of Federico Abian, located in Bgy. Caunayan, Pagudpud, Ilocos Norte (p. 1, tsn, Sept. 15, 1992). Batulan's companion, Antonio Manegdeg did not enter Abian's house and Batulan was requesting Federico's consent to marry his daughter but to which Federico replied, "It is more honorable for my daughter to marry your son ...It is more honorable cousin that my daughter will be married by your son" (p. 16, tsn, *supra*). Federico's house is isolated and located on top of a mountain (p. 10, *supra*).

At about 1:00 p.m. of June 6, 1992, Lorie Abian, Federico's wife, saw Manegdeg running through the rice fields towards their house (p. 30, *supra*). At about that time, Federico, his wife Lorie and son Ronel, were inside their house listening to the radio. Federico requested Ronel to switch to another radio station while he will go out to urinate (p. 7, tsn, Oct. 13, 1992) and proceeded to the door. As Federico held the door frame with his hand, he was stabbed by appellant, in the manner vividly described and further clarified by Lorie Abian, as follows:

"A When he stabbed my husband, I saw the hand he used to thrust the knife, so I stood up and peered and then I saw my husband held the knife on his belly. I stood up then my husband retreated holding the knife which was in his abdomen, then I looked out of the window and I saw the man going down the ladder fleeing up the mountain.

COURT:

Q You have not yet answered the question of Atty. Romero. The question of Atty. Romero is: Is it not that you were inside your house at the time?

A I was inside our house Your Honor.

Q You were inside your house, how was it possible now to see a man positioned outside your house where in fact there is the wall partition there?

A When he stabbed my husband, sir, I saw the hand he used to thrust the knife, so I stood up and peered and then I saw my husband held the knife on his belly. I stood and then my husband retreated holding the knife which was in his abdomen, then I looked outside of the window and I saw the man going down the stairs fleeing up the mountain.

COURT:

Q So, in other words, it is the impression of the court that before the man stabbed your husband, before you saw the hand that held the knife

thrust on the belly of your husband, you did not know that there was a person behind the wall near the door?

A I did not know there was a man who came up your Honor.

Q And before your husband was stabbed, before the hand of the person that stabbed your husband, you did not know how that person was positioned behind the wall near the door is that correct?

A I do not know the position of the man your Honor.

Q Now, after your husband was stabbed and you looked out through the window, you saw already the man getting down the ladder and then flee up the mountain is that correct?

A I saw him, your Honor. Yes.

Q Where did you see him?

A He was on the ladder; he was going down the ladder your Honor.

Q So you did not see when you looked out of the window the man behind the wall near the door?

COURT:

All right I will revise that.

x x x

x x x
x x x

Q In other words, therefore, you did not see the man behind the wall near the door when you looked out of the window after your husband was stabbed?

A I saw him your Honor.

Q All right tell us, when did you see him behind the wall near the door?

A When my husband placed both hands on the frame of the door, I saw a hand stabbed the abdomen of my husband right then and there. I peered and I saw the assailant after my husband was stabbed. I looked out of the window and I saw the man going down the ladder and flee up the mountain."

(pp. 35-35, tsn,

Sept. 15, 1992)

Manegdeg fled, leaving the bladed weapon (Imuko) still stuck in Federico's stomach (P. 11, *supra*). Thereafter, Lorie approached her husband who uttered, "The companion of Mang Susing was the one who stabbed me and his name is Antonio Manegdeg" (p. 11, tsn, Sept. 15, 1992). Federico further told Lorie, "You will only report this matter to the police after you have buried me so you will abandon or leave the house" (p. 27, *supra*). Federico died that same afternoon of June 6, 1992 (p. 14, *supra*). At about 7:00 p.m. of June 6, 1992, the police team of Pat. Fernando Cristobal and Pat. Elmer Argoza arrived at the residence of Federico Abian where

they saw Federico's cadaver lying on the floor and were handed by Lorie the knife used in this case (with the letter "M") etched on the handle. Thereafter, the policemen directed the family of the victim to come to the police station for formal investigation after Federico's interment which they did on June 12, 1992 (pp. 13-15, tsn, Nov. 18, 1992).

On June 12, 1992, Lorie and her son Ronel were formally investigated at the police station where Lorie revealed that Antonio Manegdeg alias "Maning" was the assailant of her husband "p. 16, *supra*).^[3]

Accused-appellant denied killing the victim and proffered an alibi that on June 6, 1992, he was in sitio Malingay, Barangay Balaoi, Pagudpud, Ilocos Norte, catching bangus fry. According to him, he and his companions started fishing early until ten that morning. After 10 o'clock, they brought the bangus fry to their boarding house and cleaned them. At about 11 o'clock on that same morning, he went to sitio Mabubua to attend the fiesta in progress. He spent the night there.^[4]

The trial court found the testimony of the prosecution witnesses Lorie and Ronel Abian to be straightforward, credible and truthful; that the guilt of the accused-appellant had been established beyond reasonable doubt in consequence of the positive identification by said prosecution witnesses; and that the bare denial and weak alibi of accused-appellant was insufficient to overcome the positive identification of said prosecution witnesses.

We affirm.

In his appeal-brief, accused-appellant raised the following assignment of errors, to wit:

I. THE REGIONAL TRIAL COURT OF ILOCOS NORTE, BRANCH XIX-BANGUI, ERRED IN ACCORDING FAITH, CREDIT AND RELIABILITY TO THE TESTIMONIES OF LORIE ABIAN AND RONEL ABIAN WHICH WERE FULL OF SUBSTANTIAL CONTRADICTIONS AND ARTIFICIAL JUSTIFICATIONS CONTRARY TO HUMAN EXPERIENCE.

II. THE REGIONAL TRIAL COURT ERRED IN DECLARING THAT THE ENTRY IN THE POLICE BLOTTER NO. 3688 OF PAGUDPUD POLICE STATION, A PUBLIC RECORD THAT FAITHFULLY REFLECTED THE SURROUNDING CIRCUMSTANCES OF FEDERICO ABIAN'S DEATH, SHOULD NOT BE TAKEN AGAINST THE PROSECUTION.

III. THE REGIONAL TRIAL COURT ERRED IN CONVICTING THE ACCUSED-APPELLANT CONSIDERING THE INFORMATION WAS NOT FULLY SUBSTANTIATED BY THE PROSECUTION WITNESSES AS TO ITS PHYSICAL PROBABILITY OR POSSIBILITY.^[5]

Accused-appellant contends that the testimony of the widow of the deceased who was enraged and furious in seeking justice for her husband was inconsistent, improbable, extraordinary and contrived as she did not disclose the identity of the assailant during the investigation conducted by police and barangay authorities several hours after the incident on June 6, 1996 and did so only several days later when she went to the police station on June 12, 1996^[6] ; that the testimony runs counter to the statements as appearing on Police Blotter Entry No. 3688 which

witness Lorie Abian admitted as having made;^[7] and that the information was not fully substantiated by the People's evidence.^[8]

In fine, the pivotal issue presented in this case is one of credibility. Time and again, we have ruled that when the issue hinges on the credibility of witnesses *vis-à-vis* the accused's denials, the trial court's findings with respect thereto are generally not disturbed on appeal^[9] , unless there appears in the record some fact or circumstance of weight and influence which has been overlooked or the significance of which has been misinterpreted.^[10] The reason for this rule is that trial courts have vastly superior advantages in ascertaining the truth and in detecting falsehood as they have the opportunity to observe the manner and demeanor of witnesses while testifying.^[11]

After a careful examination of the records, we find no ground or reason to set aside or disturb the trial court's assessment of credibility of the eyewitnesses when they testified pointing to accused-appellant as the assailant in the stabbing of Federico Abian. Eyewitnesses Lorie Abian and Ronel Abian, wife and son of the victim, respectively, who were with the victim inside their house on that fateful day of June 6, 1992, categorically testified that it was accused-appellant, whom they positively identified in court, who stabbed the victim with a bladed weapon (imuko). Lorie and Ronel were able to identify the accused-appellant easily since they saw the accused-appellant who came over to their house the day before the killing in question.^[12]

Aside from the above-quoted testimony of Lorie on cross-examination by the defense counsel, Lorie's testimony on direct is as follows:

"Q Now, while you and your husband and your son Ronel were together, do you remember if any unusual incident that happened?

A There was Ma'am.

Q Can you tell this Court what happened?

A There was Ma'am. My husband told my son "I am going to urinate," then the moment he was at the door, there was the person who stabbed him Ma'am.

Q And do you know who that person was who stabbed your husband?

A I know him Ma'am.

Q Who is he?

A That person Ma'am (witness pointing to a man in the courtroom).

Q Do you know the name of that person?

A Antonio Manegdeg.

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Q Now, Madam Witness, could you approximate the distance from that place where you were seated at the door where your husband was stabbed?