

FIRST DIVISION

[G.R. No. 89662, October 01, 1999]

**PEOPLE OF THE PHILIPPINES, PLAINTIFF-APPELLEE, VS.
FRANCISCO VILLABLANCA AND EDUARDO VILLABLANCA,
ACCUSED-APPELLANTS.**

D E C I S I O N

YNARES-SANTIAGO, J.:

Seventeen-year-old Elizabeth Natanio witnessed the brutal and merciless slaying of her crippled father, Pedro Natanio. She identified brothers Francisco Villablanca and Eduardo Villablanca as the murderers. The trial court believed her. Both accused assail their convictions.

The testimony of a single witness is sufficient to support a conviction even in a charge of murder where it is both positive and credible. It has been often said that witnesses are to be weighed and not numbered.^[1] With this in mind, we must deny the appeal. But first, the antecedents:

The two accused and one John Doe were charged with the crime of murder before the Regional Trial Court of Palo, Leyte in an information that reads:^[2]

That on or about the 19th day of August, 1985, in the Municipality of Pastrana, Province of Leyte, Philippines, and within the jurisdiction of this Honorable Court, the above named accused, conspiring, confederating and helping with (*sic*) one another, with the decided intent to kill, with abuse of superior strength and by means of treachery, Francisco Villablanca armed with a long bolo and Eduardo Villablanca with a handgun with the an (*sic*) unidentified person named John Doe standing as guard near the door of the house, did then and there willfully and feloniously attack, assault, stab and wound one PEDRO NATANIO with the weapons they provided themselves, thereby inflicting upon said Pedro Natanio wounds on the different parts of his body which caused his death shortly thereafter.

Contrary to law.

Government Center, Palo, Leyte, May 27, 1986.

When arraigned, both accused pleaded "not guilty."^[3] After trial, the court found them guilty beyond reasonable doubt of the crime of murder with the attendant qualifying circumstances of "treachery" and "abuse of superior strength" and sentenced them accordingly.^[4]

Hence, this appeal. Appellants assail the decision and argue that the trial court erred in giving weight and credence to Elizabeth's testimony, which they claim was fraught

with inconsistencies and improbabilities.^[5]

The appeal has no merit. After a careful review of the records, we sustain the conviction.

We agree with the trial court and give credence to Elizabeth's testimony, from which the following facts can be gleaned:

It was past 12:00 midnight of August 19, 1985. Elizabeth, her father Pedro and her 14 year-old brother^[6] were sleeping in their bedroom when they were awakened by the sound of their chickens flying off their perch. Immediately after they heard the noise, the shutter of their door was forced open and was detached from its hinges by two persons who barged into their house. The intruders were the appellants, the brothers Francisco and Eduardo Villablanca. Francisco made Pedro kneel on the floor and then stabbed him on the stomach with a *samurai*, while Eduardo pointed a gun to his face. Pedro rolled to his side and was again stabbed thrice by Francisco. Elizabeth testified that the hut was dark as the kerosene lamp was put out before they retired for the night. However, she was able to recognize Francisco and Eduardo because she beamed her flashlight on their faces. Elizabeth was sitting by the door of the bedroom while her father was being attacked. She let out a loud cry, and Francisco threatened to kill her if she did not keep quiet. Elizabeth then retreated to her room. Eduardo admonished Francisco to spare Elizabeth, for she was too young. The two assailants left the hut. At around two o'clock in the morning, Elizabeth's grandfather, Felicisimo Dacumi, and his brother Federico arrived. Pedro was still breathing. Elizabeth and Felicisimo brought Pedro to the DZR Hospital in Tacloban City. Before they arrived at the hospital, however, Pedro expired.^[7] The postmortem examination disclosed that Pedro sustained four stab wounds: one on the abdomen, one on the left chest and two at the back. The cause of Pedro's death was "hemorrhage secondary to multiple stabbed (*sic*) wounds of the trunk."^[8]

The trial court was in the best position to assess the credibility of Elizabeth. It had the unique opportunity to observe Elizabeth first-hand and note her demeanor, conduct and attitude during a grilling examination.^[9] For this reason, we have no reason to disbelieve the trial court's assertion that ---

From the demeanor of the eyewitness Elizabeth Natanio, the Court saw throughout her testimony that she was never coached but simply was testifying from what she actually saw with her eyes. (underscoring ours)^[10]

The evaluation by the trial court of Elizabeth's credibility is binding on us, especially since there was no arbitrariness in arriving at its conclusions.^[11]

During her direct examination, Elizabeth was straightforward and candid.^[12] Thus:

Q: What did they do inside the house?

A: My father was made to kneel in front of the house.

Q: Who ordered your father to kneel?

A: Francisco Villablanca.

Q: How about Eduardo Villablanca, where was he when your father was ordered to kneel?

A: He was upstairs.

Q: Where was Eduardo Villablanca in relation to your father and Francisco Villablanca at the time your father was made to kneel?

A: He was situated beside the door of the house.

Q: What happened after your father was made to kneel by Francisco Villablanca?

A: My father was stabbed.

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Q: When your father was made to kneel by Francisco Villablanca and he was stabbed on the pit (*sic*) of his abdomen, where was Eduardo Villablanca?

A: He was standing near my father.

Q: Did he do anything as he was standing?

A: Yes he did something.

Q: What did he do?

A: He was pointing the gun at my father.

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x x x

x x x

Elizabeth positively identified appellants as her father's assailants, to wit:^[13]

Q: You said you recognized Francisco Villablanca and Eduardo Villablanca as the assailants of your father. Are these two persons inside the courtroom now?

A: Yes sir.

Q: Will you please point to them?

A: (Witness pointing to accused Francisco Villablanca).

Q: How about Eduardo?

A: (Here witness pointing to accused Eduardo Villablanca).

Q: How long have you known the accused Francisco Villablanca?

A: I cannot say how many years but I have known him for quite a long time now.

Q: When did you first come to know him?

A: I first came to know Francisco Villablanca when they used to come to our house.

Q: How many years before from August 19, 1985 did Francisco Villablanca go to your house?

A: He has been going there for a long time already.

Q: Why would Francisco Villablanca go to your house?

A: Because Francisco Villablanca is a friend of my father.

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Q: How about Eduardo Villablanca, do you know him?

A: I know Eduardo Villablanca because he is a friend of mine. He used to come to our house.

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Q: Why are you very positive that it was Francisco Villablanca and Eduardo Villablanca who went up your house that evening and attack (*sic*) your father?

A: Because I recognize (*sic*) them.

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On cross-examination, Elizabeth remained firm.^[14] Thus:

Q: Now, kindly tell the Honorable Court considering that it was dark inside the room of your house, how do you know that it was Francisco Villablanca who hacked and stabbed your father?

A: Because I recognize that it was Francisco Villablanca who was hacking and stabbing my father because I saw him first when he entered the room of the house and he was using his flashlight while he was stabbing my father.

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Q: Had it not been for the flashlight used by Francisco Villablanca you would not have recognized Francisco Villablanca as the person who wounded your father?

A: I would have recognized even if he did not use his flashlight because when he first entered the house I beamed my flashlight to him (*sic*).

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Q: And you saw Eduardo Villablanca by the door of the bedroom while Francisco Villablanca was hacking your father?

A: Yes sir. (underscoring ours)

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