

## THIRD DIVISION

[ G.R. No. 119070, August 30, 1996 ]

**THE PEOPLE OF THE PHILIPPINES, PLAINTIFF-APPELLEE, VS.  
CARLITO ALCARTADO, ACCUSED-APPELLANT.**

### DECISION

**MELO, J.:**

Virgilio Alcartado claimed having witnessed his cousin, accused-appellant Carlito Alcartado, stab Digna Guillermo, accused-appellant's live-in partner, several times inside Virgilio's house in Danglas, Abra at about 3 o'clock on the morning of February 16, 1993. As a result, accused-appellant was charged with, and thereafter convicted by the Regional Trial Court of the First Judicial Region (Branch 2, Bangued, Abra) of the crime of murder under an Information that reads as follows:

That on or about the 16th day of February 1993, at around 3:00 o'clock A.M. at Sitio Dumeguiay, Barangay Caupasan, Municipality of Danglas, Province of Abra, Philippines and within the jurisdiction of this Honorable Court, the said accused with intent to kill, with treachery and evident premeditation, while armed with a sharp-pointed bolo (recovered), did, then and there, wilfully, unlawfully and feloniously attack, assault and stab one DIGNA GUILLERMO, hitting her on the different parts of her body thereby causing her instantaneous death to the damage and prejudice of the heirs of the offended party.

(p. 6, Rollo.)

The trial court laid down the basis for its imposition of the penalty of reclusion perpetua in this manner:

There is no doubt in the mind of the Court that murder was committed, qualified by treachery with the aggravating circumstances of evident premeditation and abuse of superior strength which, although not alleged in the information, was proven during the trial. But the latter aggravating circumstance could not be appreciated as an independent generic aggravating circumstance because the same is already absorbed and deemed included in treachery which qualified the killing to murder (People vs. Sespiñe, et al., 102 Phil. 199; People vs. De Gracia, 18 SCRA 197).

(p. 23, Rollo.)

The present review involves the issue of whether or not the facts, as borne out by the record, will justify the conviction of accused-appellant for the death of Digna Guillermo and if so, what particular crime he may be held accountable for.

Briefly, the bare facts of the case are the following:

Accused-appellant and the victim were common-law husband and wife, with six children. Accused-appellant is a native of Danglas, Abra, while the victim, of Narvacan, Ilocos Sur.

Sometime in February 1993, accused-appellant tried to persuade the mother of the victim to sell her house and lot, the proceeds of which he intended to borrow in order to bail out his son by another woman, then charged with frustrated murder or homicide and detained at the provincial jail. The victim's mother did not agree to sell the house and lot. Thereafter, accused-appellant left for Danglas, Abra for the town fiesta. The victim, together with three of their children followed him and stayed at the house of accused-appellant's cousin Virgilio Alcartado.

At about 3 o'clock on the morning of February 16, 1993, Virgilio was awakened by the victim's cries for help. He immediately went to the room of the couple and there saw accused-appellant in the act of stabbing, the victim with a bolo. Virgilio tried to stop accused-appellant, but to no avail. Finally, when accused-appellant stopped his deadly assault, Virgilio succeeded in wresting the bolo. Soon thereafter, the police authorities arrived at the crime scene and arrested accused-appellant. In the meanwhile, the victim was rushed to the La Paz District Hospital, where she was declared dead on arrival. The autopsy report (Exhibit "A"), indicated the following injuries sustained by the victim:

#### EXTERNAL

- #1 Stab wound 2.5 cm penetrating 5th ICS R-right parasternal line.
- #2 Stab wound 2.5 cm penetrating 7th ICS L-left parasternal line.
- #3 Stab wound 2.5 cm non-penetrating (semilunar) wound at areola 4th ICS L Mid-clavicular line.
- #4 Stab wound 2.5-3 cm with intestinal evisceration 1-1/2 inch above the umbilicus.
- #5 Incised wound about 1.5 cm L wrist.
- #6 Incised wound 2 cm lower half L arm.

#### INTERNAL

- About 2-3 liters of clotted blood evacuated from the thoracic cavity.
- 7th, 8th rib - left were transected.

LUNGS: R middle lobe was macerated and collapsed

LIVER: L lobe of the liver was macerated

HEART -- NORMAL

INTESTINES: Omentum and Ileum (Proximal 1/3) were perforated

CAUSE OF DEATH: CARDIO RESP. ARREST SECONDARY TO HYPOVOLEMIC SHOCK DUE TO MULTIPLE STAB WOUND.

In the instant appeal, accused-appellant assails the credibility of prosecution witness Virgilio Alcartado, claiming that his testimony does not deserve credence as he nurtured ill-feelings towards accused-appellant and wanted him out of the way. According to accused-appellant, Virgilio used to collect the GSIS pension of accused-appellant's father, and it was a financial blow to Virgilio when accused-appellant decided to transfer the pensioner's forwarding address from Danglas, Abra to Narvacan, Ilocos Sur. He also claims that witness Virgilio's credibility is crippled by his behavior at the scene of the crime, considering that Virgilio was the one who was nervous and jittery while the accused-appellant was calm and silent.

Accused-appellant further contends that since Virgilio's testimony is not entitled to full credence, the prosecution should have presented corroborative testimony, that of accused-appellant's two children who had also witnessed the events that transpired. Non-presentation of the other eyewitnesses, according to accused-appellant, is nothing but suppression of evidence.

We are not persuaded by these arguments.

It is significant to note that the trial judge who personally observed the deportment of Virgilio gave full faith and credence to his eye-witness account. Upon careful review of the record, we find no cogent reason to rule otherwise. The alleged transfer of the forwarding address of accused-appellant's father's GSIS pension from Danglas, Abra to Narvacan, Ilocos Sur cannot possibly constitute sufficient motive for Virgilio to falsely testify against accused-appellant for a crime which he may not have committed, specially so when the crime charged is of such gravity such as murder which may result in incarceration for life. Accused-appellant fails to show how Virgilio somehow benefited from the GSIS pension of the father of accused-appellant. Be this as it may, Virgilio, cannot be so financially strapped as to falsely testify against accused-appellant, his own cousin.

We likewise find nothing strange in the alleged nervous behavior of Virgilio after witnessing the crime which may render his eyewitness account unworthy of any credence. On the contrary, such nervous deportment even bolsters his credibility because there is no behavior more natural and expected under a situation where one person is face-to-face with a killer who is armed with a sharp bolo than to be nervous and jittery. It would have been more unnatural if it were otherwise. Furthermore, what is really material and relevant in gauging the credibility of a witness is not alleged behavior at the scene of the crime, which, incidentally, in the case at bar, is merely related to the court by another witness, but his demeanor on the witness stand when he recounts the sequence of events that he witnessed, and which behavior is personally observed by the presiding judge himself.

This explains why as between an appellate court, which is necessarily limited to the substance of the witnesses' responses as appearing in the transcript of stenographic notes containing the record of the testimony of the witnesses presented during the trial, and the lower court, whose presiding judge had personally observed the demeanor of the witnesses consisting not only of their testimony but also their gestures, facial expressions, and their over-all composure, or lack of it, on the witness stand, the trial judge is by far in a better position to assess the credibility of