

SPECIAL TWELFTH DIVISION

[CA-G.R. CR-HC NO. 00199, October 30, 2006]

**PEOPLE OF THE PHILIPPINES, PLAINTIFF-APPELLEE, VS.
ALFREDO LASCO Y CUETO, ACCUSED-APPELLANTS.**

D E C I S I O N

BATO, JR., J.:

Alfredo Lasco y Cueto appeals from the decision of the Regional Trial Court (RTC) of Manila, Branch 6, finding him guilty beyond reasonable doubt of murder in Criminal Case No. 91-92291.

The information filed on February 28, 1991, charging accused-appellant Lasco with the crime of murder, reads:

"That on or about February 15, 1991, in the City of Manila, Philippines, the said accused with intent to kill, with treachery and evident premeditation, did then and there wilfully, unlawfully and feloniously attack, assault, and use personal violence upon one Herminio Corpuz y Quiazon, by then and there stabbing the latter with a bladed weapon on the different parts of the body, thereby inflicting upon said Herminio Corpuz y Quiazon mortal stab wounds which were the direct and immediate cause of his death thereafter.

CONTRARY TO LAW."^[1]

Upon being arraigned, appellant pleaded not guilty.^[2] Trial on the merits thereafter ensued.

The prosecution presented as witnesses the following: Leonila Pangan, Estela Ramos, PO3 Manuel Liberato and Dr. Marcial Ceñido. Their testimonies established the following:

Leonila Pangan, a resident of 1955 Jose Abad Santos Street, Barangay 229, Zone 21, Tondo, Manila, testified that accused- appellant Alfred Lasco is the Barangay Chairman of Barangay 230, Zone 21, Tondo, Manila. At around 11:30 to 12:00 in the evening of February 15, 1991, Leonila Pangan was outside her rented house playing "*bingo*" when she saw appellant Lasco approaching. He was carrying something pointed wrapped in a newspaper. When appellant Lasco reached the door of her rented house, he shouted that the said house will be demolished and that everybody living therein should leave. When nobody reacted, appellant Lasco kicked the door of Leonila Pangan's rented house until it was destroyed. It was then that Herminio Corpuz, alias "Buboy", came out of Leonila Pangan's house and told appellant Lasco: "*Freddie, tama na yan,*" to which appellant Lasco answered: "*Huwag kang makialam dito.*" Herminio Corpuz then turned his back and attempted

to leave but appellant Lasco suddenly pushed the former and stabbed him at the back with a knife, about eight to ten inches long. Herminio Corpuz fell down and as he stood up and faced appellant Lasco, the latter stabbed him again. Unarmed, Herminio Corpuz ran towards a well lighted alley but appellant Lasco followed suit and when he caught up with Herminio Corpuz, appellant Lasco stabbed him again. When Herminio Corpuz fell down, appellant Lasco ran away. Shortly thereafter, Herminio Corpuz was brought to the hospital where he was pronounced dead on arrival.

Estela Ramos, the owner of the house being rented by Leonila Pangan, corroborated the testimony of the latter that it was Alfredo Lasco who stabbed Herminio Corpuz.

In less than three hours after the incident, eyewitnesses Leonila Pangan and Vilma Villaflor, gave their written statements to the police, pointing to appellant Lasco as the person who stabbed Herminio Corpuz. In connection with this, PO3 Manuel Liberato of the Western Police District, was presented by the prosecution as he was the one who prepared the statements of Leonila Pangan and Vilma Villaflor. PO3 Manuel Liberato was also the one who prepared the booking sheet and arrest report of appellant Lasco.

Dr. Marcial Ceñido, the medico legal officer of the Western Police District who conducted the autopsy on the body Herminio Corpuz, concluded that the victim sustained three stabbed wounds, specifically, two at the left posterior shoulder and one at the right upper anterior thorax piercing the left lung and the right subclavian artery.

Appellant Lasco on the other hand raised the defense of denial and pointed to a certain "Boy Diablo", as the one who stabbed Herminio Corpuz. Aside from appellant Lasco, the defense also presented Efren Ardales, Pastor Malabag, Liwayway Lasco and Cristina Lumawig, as witnesses. Hereunder is their version of the incident:

Appellant Lasco testified that at the time of the stabbing incident, he was already fast asleep at his residence when his barangay tanods, namely, Efren Ardales and Pastor Malabag, woke him up because there was a riot at the corner of Bukang Liwayway and Balintawak Streets, Tondo, Manila. About fifteen (15) people were involved in the riot, among them were Boy Diablo, Herminio Corpuz, as well as the father of Herminio Corpuz. When appellant Lasco and his barangay tanods reached the riot scene, appellant Lasco saw Herminio Corpuz approaching them as if asking for their help. But Herminio Corpuz collapsed before he could reach them. From the people around, he learned that Herminio Corpuz fought with Boy Diablo in the riot. Appellant Lasco immediately asked for help and decided to call the police for assistance. When the police arrived, he went with them to the police headquarters and was about to make a statement when Leonila Pangan turned up and accused him of stabbing Herminio Corpuz. Appellant Lasco claimed that Leonila Pangan, Estela Ramos, Vilma Villaflor and the family of Herminio Corpuz, all had an axe to grind against him because their houses were among those to be demolished for the government's project of which he was a supporter.

Appellant Lasco's claim that he was not the one who stabbed Herminio Corpuz was corroborated by his barangay tanods, namely, Efren Ardales and Pastor Malabag. Also, appellant Lasco's claim that he was already sleeping when the stabbing