

THIRD DIVISION

[G.R. NO. 173197, April 24, 2007]

PEOPLE OF THE PHILIPPINES, PLAINTIFF-APPELLEE, VS. ROGER DE GUZMAN Y LAUCHANGCO, ACCUSED-APPELLANT.

D E C I S I O N

CHICO-NAZARIO, J.:

For Review is the Decision^[1] of the Court of Appeals in CA-G.R. CR-H.C. No. 00663 which affirmed the Decision^[2] of the Regional Trial Court (RTC) of Malolos, Bulacan, Branch 11, finding accused-appellant Roger L. De Guzman guilty of the crime of murder and sentencing him to suffer the penalty of *reclusion perpetua* and ordering him to pay the heirs of Marcosa Lauchangco (Marcosa) the amounts of P50,000.00 as civil indemnity and P50,000.00 as moral damages.

On 14 November 2000, appellant was charged before the RTC with the crime of murder under Article 248 of the Revised Penal Code, as amended. The accusatory portion of the Information reads:

That on or about the 15th day of October 2000, in the municipality of San Miguel, province of Bulacan, Philippines, and within the jurisdiction of this Honorable Court, the above-named accused, armed with a steel pipe and with intent to kill one Marcosa Lauchangco y Espino, a 67 year-old woman, with evident premeditation, treachery and taking advantage of superior strength, did and there willfully, unlawfully and feloniously attack, assault and hit with the said steel pipe said Marcosa Lauchangco y Espino, hitting her on the head, thereby inflicting on her mortal injuries which directly caused her death.^[3]

During his arraignment on 5 January 2001, appellant, with the assistance of his counsel *de officio*, entered a plea of not guilty.^[4] Hence, trial ensued.

The evidence of the prosecution, as culled from the collective testimonies of Michael Lauchangco (Michael), nephew of the victim and first cousin of the appellant; Pedro Lauchangco (Pedro), brother of the victim; and SPO2 Antonio Palomo, who conducted an investigation of the case, are as follows:

The victim, Marcosa, was a 67-year old unmarried woman who owned a store located at San Jose, San Miguel, Bulacan, where she sold rice. On 15 October 2000, around 2:20 in the afternoon, Michael was sitting in front of the victim's store. Marcosa was inside her store, at that time preoccupied with getting some rice bran (*darak*).

Appellant entered the store and suddenly bashed Marcosa on the back of her head with a lead pipe. After the blow, the victim fell down, sprawled on the ground.

Appellant again hit her twice with the same instrument. At this time, Michael was not able to see which part of Marcosa's body was being hit as she had fallen behind a sack of rice, which blocked his view. Frightened by the event, Michael left the scene and ran towards the house of his uncle Pedro Lauchangco. Michael recounted the incident to Pedro, after which, the two of them proceeded to the store of the victim. Marcosa, however, was no longer in her store because somebody had already brought her to the hospital.

On the same day, Marcosa died of cardiac arrest and cerebral hemorrhage due to severe head injury.

The killing incident reached the knowledge of the local police authorities when Robin de Guzman, a brother of the appellant, came to the police station and reported to SPO2 Antonio Palomo that it was appellant who assaulted the victim.

Appellant denied the imputation that he authored the crime. He testified that it was Rodolfo "Ompong" Boncales (Boncales), a helper of Marcosa, who perpetrated the crime. According to appellant, four days before the killing incident or on 11 October 2000, Boncales broached to him the plan of robbing the store of the victim. Instead of acceding to the idea, he warned Boncales that he could report the sinister plan to Marcosa. Nonetheless, Boncales told him to ponder upon the idea. Boncales left to buy a bottle of gin. When Boncales returned, he disclosed to appellant the details of his plan.

In the early morning of 15 October 2000, appellant and Boncales met again. Boncales asked appellant if he was ready. Appellant told Boncales that he could not go through with it because the victim was his aunt. Boncales chided him and gave him P20.00 to buy gin so as to embolden him. Appellant consumed the gin with Boncales taking a shot every now and then as he was walking to and fro the store which is only about 25 meters away from where they were drinking.

Later that day, at around 2:00 in the afternoon, while inside the store of the victim, appellant told Boncales that he could not go along with the plan. Also inside the store was Michael who was sitting on a pile of rice sacks. Appellant approached Michael and put his arms around his shoulder. When Michael noticed that appellant was drunk, the former ran away towards the *barangay* hall. At this point, Boncales closed the door of the store, which awakened the victim. Michael came back and told the victim that appellant was chasing him. Boncales went to the back of the store and suddenly hit the victim at the back of her head. Appellant cursed Boncales, but when he noticed that Boncales was holding a lead pipe, he moved away towards his house. Along the way, he met his brother, Roberto de Guzman. Appellant told his brother that Boncales attacked the victim. His brother instructed him to stay inside their house. When he returned to the store, he saw Boncales running towards the nearby Petron gas station. Later, between 2:30 to 2:45 in the afternoon, he saw a group of *barangay* officials and heard them remark "*Nandun, nandun*". Then, appellant heard a gunshot. Afraid, he ran to the adjacent house and hid himself inside a pig pen. When the *barangay tanods* came, he went out of the pig pen. One of the *barangay tanods* approached him and hit him with a night stick. Afterwards, he was arrested by the police.

Roberto de Guzman, one of appellant's brothers, testified that on 15 October 2000, at around 2:00 in the afternoon, while he was cooking, Boncales came to him to

borrow a lead pipe. He lent Boncales the lead pipe and the latter left towards the direction of the victim's store. A few minutes passed, he heard a loud thud and he hurriedly proceeded to the store. On his way, he met appellant who told him that the victim was assaulted by Boncales. Together with his other brothers, Romeo and Robin, they went to the store and found the injured victim. They brought the victim to the hospital. When they returned to the scene of the crime, there were already several *barangay* officials and policemen in the place. Michael told him that it was appellant who hit the victim. Afterwards, he heard a gunshot coming from his house. He saw appellant surrender to the policemen.

Robin de Guzman, another brother of the appellant, testified that he was the one who reported the incident to the police. But he claimed that he did it only upon the instance of Pedro Lauchangco. He also declared that his written statement before the police given on 19 November 2000 implicating appellant to the crime was also upon the instruction of Pedro Lauchangco.

The trial court, in convicting the appellant, gave credence to the version of the prosecution and sentenced him with the penalty of *reclusion perpetua*. Appellant was also ordered to indemnify his victim in the amounts of P50,000.00 as civil indemnity and P50,000.00 as moral damages. The dispositive portion of the RTC decision reads:

WHEREFORE, this Court finds the accused Roger de Guzman GUILTY beyond reasonable doubt of Murder under Article 248 of the Revised Penal Code, as amended and hereby sentences him to suffer the penalty of Reclusion Perpetua and to pay the heirs of the victim the amount of Fifty Thousand (P50,000.00) Pesos as civil indemnity and the additional amount of Fifty Thousand (P50,000.00) as moral damages.^[5]

Appellant filed a notice of appeal.^[6] The trial court ordered the transmittal of the entire records of the case to this Court. Thereafter, this Court ordered the referral of the case to the Court of Appeals conformably with the ruling in the case of *People v. Mateo*.^[7]

The Court of Appeals, on 27 May 2005, promulgated its Decision affirming the judgment of the trial court convicting the accused, thus:

WHEREFORE, the decision of the Regional Trial Court of Malolos, Bulacan, Branch 11, in Criminal Case No. 2975-M-200 finding accused-appellant guilty beyond reasonable doubt of the crime of Murder and imposing upon him the penalty of *reclusion perpetua* is AFFIRMED.^[8]

Hence, the instant case.

In his Brief, the appellant assigns a single error:

THE TRIAL COURT GRAVELY ERRED IN FINDING THE ACCUSED GUILTY OF MURDER DESPITE FAILURE OF THE PROSECUTION TO PROVE HIS GUILT BEYOND REASONABLE DOUBT.

Appellant takes exception with the trial court's assessment of the evidence before it and in giving weight and credence to the testimony of the prosecution witness, Michael Lauchangco.

Well-entrenched is the rule that the matter of assigning probative values to declarations on the witness stand is best and most competently performed by the trial judge who, unlike appellate magistrates, can weigh such testimony in light of the declarant's demeanor, conduct and position to discriminate between truth and falsehood.^[9] Thus, appellate courts will not disturb the credence, or lack of it, accorded by the trial court to the testimonies of witnesses, unless it be manifestly shown that the latter court had overlooked or disregarded arbitrarily the facts and circumstances of significance in the case.^[10]

In the instant case, prosecution's main witness, Michael Lauchangco, steadfastly pointed to appellant as the person who bashed the victim. He testified as follows:

Q: Mr. Witness, do you know the accused in this case, Roger de Guzman y Lauchangco?

A: Yes, sir.

Q: Why do you know Roger de Guzman?

A: Because he is my cousin, sir.

Q: To what degree?

A: He is my first cousin, sir.

Q: Now, on October 15, 2000, at about 2:00 in the afternoon, do you remember where you were?

A: Yes, sire.

Q: Where were you at that date and time?

A: I was in a rice store at San Jose, San Miguel, Bulacan, sir.

Q: And in what place is that rice store, Mr. Witness?

A: In San Jose, San Miguel, Bulacan, sir.

x x x x

Q: Aside from you, were there any other persons in that rice store?

A: No more, Marcosa Lauchangco, sir, was with me.

x x x x