

FIRST DIVISION

[G.R. No. 231827, January 20, 2020]

EDGARDO PATUNGAN, JR. Y LAGUNDI, PETITIONER, VS. PEOPLE OF THE PHILIPPINES, RESPONDENT.

DECISION

PERALTA, C.J.:

Assailed in this petition for review on *certiorari* under Rule 45 of the Rules of Court are the Decision^[1] dated January 17, 2017 and the Resolution^[2] dated April 4, 2017 issued by the Court of Appeals in CA-G.R. CR No. 38444.

In an Information^[3] dated March 24, 2008 filed with the Regional Trial Court (*RTC*), Carig, Tuguegarao City, Cagayan, petitioner was charged with the crime of homicide, the accusatory portion of which reads:

That on or about OCTOBER 13, 2007 in the Municipality of Solana, Province of Cagayan and within the jurisdiction of this Honorable Court, the said accused EDGARDO PATUNGAN, JR. Y LAGUNDI armed with a pointed knife, with intent to kill, did then and there willfully, unlawfully and feloniously attack, assault and stab VENANCIO L. FURIGAY, thereby inflicting upon him stab wounds on the different parts of his body which caused his death. ^[4]

Upon arraignment, petitioner, duly assisted by counsel, pleaded not guilty^[5] to the charge. Pre-trial conference and trial thereafter ensued.

The prosecution presented the following witnesses: PO3 Isagani Bago (*PO3 Bago*), Kristine Furigay (*Kristine*), Gladys Furigay (*Gladys*), and Dr. Josefina Chua (*Dr. Chua*). Their testimonies established the following facts:

At 9 o'clock in the evening of October 13, 2007, sisters Kristine and Gladys went to the store of a certain Viring located near petitioner's house in Barangay Centro, Northwest Solana, Cagayan ^[6] While on their way back home, they met Richard Ventura (Richard) who shouted "*pokpok*" at Kristine,^[7] and he proceeded to the house of petitioner. Kristine and Gladys hurriedly went home to report the incident to their father, Venancio Furigay (*Venancio*) ^[8] As Venancio was not in their house, the sisters went to petitioner's house to talk to Richard. Kristine and Gladys saw that there was a group of men - composed of petitioner, Erwin Patungan and Ismael Portina- having a drinking spree at petitioner's house.^[9] Initially, Richard hid upon seeing Kristine, but eventually went out of petitioner's house and Kristine, who was then crying, asked Richard why he called her "*pokpok*," but Richard just kept quiet. Petitioner even tried to cover up for Richard saying that the latter could not have uttered the word "*pokpok*" at Kristine.^[10]

Later, Venancio arrived at the petitioner's house to fetch her daughters. Kristine told her father to wait as she had to confront Richard on why he called her "*pokpok*."^[11] Venancio had a heated argument with Richard.^[12] Gladys asked Kristine and their father to just go home instead. ^[13]

However, after Venancio and his daughters had left the place and were already on the road, petitioner, who was running, suddenly stabbed Venancio on his stomach. ^[14] Venancio subsequently fell to the ground. Gladys tried to rescue her father, but Erwin Patungan even boxed him.^[15] When Kristine tried to pacify Erwin, the latter slapped her and so she screamed for help. Their uncle Lauro went to their rescue and rushed Venancio to the St. Paul Hospital, and was later transferred to the Cagayan Valley Medical Center where he was operated on because of the stab wound, but he died after the operation.^[16]

At 10:30 p.m., PO3 Bago of the Solana Police Station, received a report of an incident in Barangay Centro Northwest, so he and Special Police Officer (SPO4) Florante Balagan were immediately dispatched to the area. Upon arriving at the scene of the incident, they were met by Gladys who told them that her father Venancio was rushed to the hospital as he was stabbed by petitioner. They then proceeded to petitioner's house, where the latter voluntarily surrendered and was brought to the police station.^[17] PO3 Bago and SPO4 Balagan went to the St. Paul Hospital and asked the victim, Venancio, if he could identify his assailant to which the victim replied that it was petitioner.^[18] PO3 Bago took the victim's ante-mortem statement which was reduced to writing. However, the statement was not reflected in PO3 Bago's affidavit of arrest nor in the police blotter because according to him, they were running out of time and had no pen and paper.^[19]

Dr. Josefina C. Chua, Medical Officer III of the City Health Office of Tuguegarao City, was presented to interpret the findings in the death certificate issued by the late Dr. Beran. She testified that the underlying cause of Venancio's death was stab wound in the umbilical area hitting parts of small intestines.^[20]

Petitioner denied the charge. He testified that at 7 o'clock in the evening of October 13, 2007, he was in his house with one Venerando Danga practicing church songs; that he heard someone shouting outside his house and he saw Richard holding a knife and screaming that he was slapped three times by Kristine. ^[21] He advised Richard to hide his knife as it was embarrassing to fight with a woman, so the latter went home. After a while, there was someone yelling behind him and saw Kristine, who smelled intoxicated, asking him why he called her "*pokpok*" that Kristine was with Gladys who was crying. He asked Kristine why she was blaming him when he never called her "*pokpok*." Kristine then admitted that she mistook him for Richard and left.^[22] Few minutes after, Richard, together with his companions, arrived with a bottle of gin and invited him to a drink, but he refused as he had LBM.^[23] He just allowed them to drink in the veranda of his house and excused himself to go to the comfort room (CR).^[24] While he was inside the CR, he heard Karla Melissa Patungan (*Karla*) shouting. When he came out, he asked Karla what was happening, and the latter replied that there was a commotion outside the house. He went outside and saw Venancio sprawled on the ground. He helped Venancio to stand up,

but the latter told him to leave him or he would implicate him.^[25] When he noticed Venancio's bloodied body, he left him alone because of what he said. Later, their house was stoned by the brother and son of Venancio. The police invited him and Richard to their station because they were both wearing white t-shirts and have the same physical appearance. While at the station, Richard gave his statement ahead of him and the police did not take his statement anymore.

Karla, wife of Erwin Patungan, and Melecio Patungan, corroborated petitioner's testimony that he was in the comfort room when the commotion happened in his house. Karla added that petitioner went outside of the house and carried Venancio's body, and then putting it down as he might be suspected of causing his injuries.^[26] Melecio was the one who reported that there was someone causing trouble in petitioner's house and the stoning incident .^[27]

On January 28, 2016, the RTC rendered its Decision ,^[28] the dispositive portion of which reads:

WHEREFORE, judgment is hereby rendered finding the accused EDGARDO PATUNGAN, JR. y Lagundi GUILTY beyond reasonable doubt of the crime of Homicide, appreciating in his [favor] the mitigating circumstance of voluntary surrender and applying the Indeterminate Sentence Law hereby sentences him to suffer a prison term of Eight (8) years and One (1) day of prison mayor[,] as minimum[,] to Twelve (12) years of prison mayor[,] as maximum[,] and to pay the heirs of the deceased Venancio Furigay the following amounts: P75,000.00, mandatory damages death; P50,000.00 moral damages, P70,000[.]00 as nominal damages; and P1,512,000.00 as unearned salaries.

The accused should also suffer the accessory penalty provided for in Art. 42 of the Revised Penal Code.

SO ORDERED.^[29]

The RTC found that petitioner's defense in his Counter-Affidavit was self-defense which he changed during trial to denial, *i.e.*, he has no participation in the stabbing incident. It found petitioner's defense not credible because it cannot be that his Counter-Affidavit and his testimony in court are both true, that one is necessarily false or it can be that both are false; that why did he surrender to the police and why did he not tell them that he did not stab Venancio; that there was no motive for the family of Venancio to falsely accuse petitioner nor was there any reason for PO3 Bago to implicate petitioner in the killing of Venancio.

Dissatisfied, petitioner filed an appeal with the CA. After the submission of the parties' respective pleadings, the case was submitted for decision.

On January 17, 2017, the CA affirmed with modification the RTC Judgment, the decretal portion of which reads:

WHEREFORE, premises considered, the Judgment dated 28 January 2016 of the Regional Trial Court of Tuguegarao City, Cagayan, Branch 5 in

Criminal Case No. 12128, finding accused-appellant Edgardo Patungan, Jr. y Lagundi guilty beyond reasonable doubt of the crime of homicide under Article 249 of the Revised Penal Code, and requiring him to pay the heirs of the victim Venancio Furigay the amount of Php50,000.00 as moral damages is AFFIRMED with MODIFICATIONS in that the award of nominal damages in the amount of Php70,000.00 and unearned salaries in the amount of Phpl,512,000.00 are hereby DELETED; he should suffer the accessory penalties provided for in Articles 41 and 42 of the Revised Penal Code; and accused-appellant is hereby ORDERED, as follows:

1. to suffer the indeterminate penalty of imprisonment of eight (8) years and one (1) day of *prision mayor*, as minimum, to twelve (12) years and one (1) day of *reclusion temporal*, as maximum;
2. to pay the heirs of the victim Venancio Furigay civil indemnity in the decreased amount of Php50,000.00, and temperate damages in the amount of Php50,000.00; and
3. to pay interest at the rate of 6% *per annum* on all damages, from the date of finality of this Decision until fully paid; and

SO ORDERED. ^[30]

The CA found that the evidence adduced by the prosecution established the elements of the crime of homicide beyond reasonable doubt. Venancio's daughters, who were with him on his way home, both categorically and positively identified petitioner, their neighbor, as the one who stabbed their father on the stomach; that although the incident happened at night, there were streetlights near the *locus criminis*; and that with the sisters' eyewitness account of their father's death, it would not matter whether or not the testimony of PO3 Bago as to the alleged ante-mortem statement is hearsay.

The alleged inconsistencies in the testimonies of prosecution witnesses involved minor details and did not touch upon the material points which cannot overturn a conviction established by competent evidence. While the CA agreed to petitioner's claim that his Counter-Affidavit could not be considered since it was never formally offered in court as evidence, however, the prosecution was able to prove petitioner's guilt based on the testimonies of Gladys and Kristine.

The CA ruled that petitioner's defense of denial could not prevail over the prosecution's positive identification of him as the perpetrator of the crime; and that no ill motive could be attributed to Gladys and Kristine on why they would implicate petitioner to such a serious crime.

Petitioner's motion for reconsideration was denied in a Resolution dated April 4, 2017.

Hence, this petition for review on *certiorari* on the following grounds:

THE HONORABLE COURT OF APPEALS GRAVELY ERRED IN GIVING WEIGHT TO THE HEARSAY TESTIMONY OF DOCTOR CHUA.

THE HONORABLE COURT OF APPEALS GRAVELY ERRED IN AFFIRMING THE CONVICTION OF THE ACCUSED DESPITE THE FAILURE OF THE STATE TO PROVE BEYOND REASONABLE DOUBT THE IDENTITY OF THE ACCUSED-APPELLANT AS THE ASSAILANT.^[31]

Anent the first issue, petitioner claims that he objected to the presentation of the testimony of Dr. Chua to interpret the death certificate, since she was not the one who prepared the same and treated the victim; that hence, there was no evidence to prove the cause of the victim's death because the doctor who treated him did not testify in court.

We are not persuaded.

Article 410 of the Civil Code provides:

ART. 410. The books making up the civil register and all documents relating thereto shall be considered public documents and shall be prima facie evidence of the facts therein contained.

A death certificate is a public document.^[32] As a public document, it is admissible in evidence even without further proof of their due execution and genuineness.^[33] Thus, even if Dr. Beran, the one who issued the death certificate, did not testify in court as he had already died, the death certificate is admissible to prove the cause of Venancio's death. Moreover, the death certificate also deserves to be given evidentiary weight because it constitutes prima facie evidence of the facts stated therein.^[34] Notably, petitioner had not presented any evidence to contradict the entries in the said death certificate which showed the cause of Venancio 's death, which is stab wound.

Petitioner next contends that the testimonies of prosecution witnesses, Kristine and Gladys, on his identity as the one who stabbed their father is doubtful; that the alleged stabbing incident happened during nighttime and there was no evidence that there was sufficient illumination; that Kristine was crying and looking for Richard, thus, her emotional state as well as her state of intoxication as shown in the excerpt of the police blotter, could have diminished her degree of perception and she could not make a clear identification of the one who stabbed her father.

Well-entrenched is the rule that the matter of assigning 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.^[35] This is especially true when the trial court's findings have been affirmed by the appellate court, because said findings are generally conclusive and binding upon this Court, unless it be manifestly shown that the latter court had overlooked or disregarded arbitrarily the facts and circumstances of significance in the case.^[36] Here, we find that petitioner failed to show that the RTC and the CA had overlooked any significant facts which could affect the result of the case.