

FIRST DIVISION

[G.R. No. 161308, January 15, 2014]

**RICARDO MEDINA, JR. Y ORIEL, PETITIONER, VS. PEOPLE OF
THE PHILIPPINES, RESPONDENT.**

DECISION

BERSAMIN, J.:

Credibility of witnesses is determined by the conformity of their testimonies to human knowledge, observation and experience.

The Case

Ricardo Medina Jr. (Ricardo) appeals by petition for review on *certiorari* the affirmance of his conviction for homicide with modification of the penalty and civil liability by the Court of Appeals (CA) through the decision promulgated on July 7, 2003.^[1] He had assailed his conviction handed down under the decision rendered on January 31, 2001 by the Regional Trial Court (RTC), Branch 266, in Pasig City.^[2] His brother and co-accused, Randolph Medina (Randolf), was acquitted by the RTC for insufficiency of evidence.

Antecedents

This case concerns the fatal stabbing of Lino Mulinyawe (Lino) between 9:00 and 10:00 o'clock in the evening of April 3, 1997 at Jabson Street in Acacia, Pinagbuhatan, Pasig City. The stabbing was preceded by a fight during a basketball game between Ross Mulinyawe, Lino's son, and Ronald Medina, the younger brother of Ricardo and Randolf. In that fight, Ronald had hit Ross with a piece of stone. Hearing about the involvement of his brother in the fight, Randolf rushed to the scene and sent Ronald home. Ross was brought to the hospital for treatment. Once Lino learned that his son had sustained a head injury inflicted by one of the Medinas, he forthwith went towards the house of the Medinas accompanied by his drinking buddies, Jose Tapan and Abet Menes. He had a bread knife tucked in the back, but his companions were unarmed. Along the way, Lino encountered Randolf whom he confronted about the fight. The two of them had a heated argument. Although Randolf tried to explain what had really happened between Ross and Ronald, Lino lashed out at Randolf and gripped the latter's hand. Tapan almost simultaneously punched Randolf in the face. Lino, already holding the knife in his right hand, swung the knife at Randolf who was not hit. Randolf retreated towards the store and took two empty bottles of beer, broke the bottles and attacked Lino with them. Arriving at the scene, Ricardo saw what was happening, and confronted Lino. A commotion ensued between them. Ricardo entered their house to get a kitchen knife and came out. Lino made a thrust at Ricardo but failed to hit the latter, who then stabbed Lino on the left side of his chest, near the region of the heart. Lino fell face down on the ground. After that, Ricardo walked away, while Randolf

threw the broken bottles at the fallen Lino.

Lino's injuries were described as follows:

Fairly nourished, fairly developed male cadaver, in rigor mortis, with postmortem lividity at the dependent portions of the body. Conjunctive lips and nailbeds are pale.

HEAD, CHEST AND LEFT KNEE:

(1) Lacerated wound, left parietal region, measuring 2 by 0.7 cm, 5 cm from the midsagittal line.

(2) Abrasion, left parietal region, measuring 1.2 by 0.6 cm, 8 cm from the anterior midline.

(3) Abrasion left maxillary region, measuring 2 by 0.3, 4.5 cm, from the anterior midline.

(4) Stab wound, left mammary region, measuring 3.6 by 1.4 cm, 5.5 cm from the anterior line, 12 cm deep, directed posteriorwards, downwards, and medialwards, thru the 4th left intercostal space, piercing the pericardial sac and left ventricle.

Cause of death is Stab wound of the chest.^[3]

On April 4, 1997, the Office of the City Prosecutor of Pasig City charged Randolph with homicide.^[4] The information was amended with leave of court to include Ricardo as a co-conspirator, alleging thusly:

On or about April 3, 1997 in Pasig City and within the jurisdiction of this Honorable Court, the accused, conspiring and confederating together and both of them mutually helping and aiding one another, with intent to kill, did then and there willfully, unlawfully and feloniously attack, assault, stab and employ personal violence upon the person of Lino M. Mulinyawe, thereby inflicting upon the latter stab wound, which directly caused his death.

Contrary to law.^[5]

The Defense claimed that it was Lino who had attacked Ricardo with a knife, and that Lino had accidentally stabbed himself by falling forward and into his own knife.

Judgment of the RTC

In its judgment rendered on January 31, 2001,^[6] the RTC acquitted Randolph but

convicted Ricardo of homicide. It found no evidence of conspiracy between Randolph and Ricardo because their actions appeared to be independent and separate from each other and did not show that they had mounted a joint attack against Lino. It rejected Ricardo's defense that the fatal stab wound of Lino had been self-inflicted, ratiocinating that:

The fatal wound of the deceased is: 'stab wound, left mammary [sic] region, measuring 3.6 by 1.4 cm, 5.5 cm from the anterior midline, 12 cm deep, directed posteriorwards, downwards, and medialwards, thru the 4th left intercostal space, piercing the pericardial sac and left ventricle.' (See Exh. J).

Randolf Medina testified that Lino Mulinyawe attacked him with a knife held with his right hand. **The trajectory of the stab wound sustained by Lino Mulinyawe at his left mammary region as shown by the Medico Legal Report and Medico Legal Examination on the cadaver of the deceased (Exhs. J and L) is incompatible and inconsistent with the defense of the accused that when Mulinyawe was making a thrust, he fell frontward and accidentally stabbed himself.** If the knife was held with the right hand of Lino Mulinyawe, the stab wound would not have been from the 'anterior midline, 12 cm deep, directed posteriorwards, downwards, and medialwards, thru the 4th left intercostal space, piercing the pericardial sac and left ventricle.' **The trajectory of the stab wound would have been leftward and upward the body of the deceased if he really fell frontward upon it.**^[7] (Emphasis supplied)

The RTC disposed and decreed:

WHEREFORE, postulates considered, this Court ACQUITS Randolph Medina for insufficiency of evidence to prove his guilt of the charge of homicide against him.

However, the evidence of the prosecution has proven beyond reasonable doubt the GUILT of the accused Ricardo Medina, Jr. y Oriel for homicide and he is hereby sentenced with a penalty of imprisonment of Fourteen (14) years and Eight (8) Months and One (1) day to Seventeen (17) years and Four (4) Months of reclusion temporal in its medium period there being neither aggravating nor mitigating circumstance (Art. 64, par. 1, Revised Penal Code).

The widow Marivi Mulinyawe is hereby awarded the amount of Thirty Thousand Pesos (P30,000.00) as actual damages and the amount of Fifty Thousand Pesos (P50,000.00) as moral damages, payable by Ricardo Medina, Jr. y Oriel.

The bonds posted by both accused are hereby cancelled.

SO ORDERED.^[8]

Decision of the CA

Ricardo appealed, but the CA affirmed his conviction with modification of the penalty and the civil liability under the decision promulgated on July 7, 2003,^[9] to wit:

WHEREFORE, premises considered, the present appeal is hereby DISMISSED and the decision appealed from in Criminal Case No. 112091 is hereby AFFIRMED with MODIFICATIONS in that accused-appellant Ricardo Medina, Jr. y Oriel is hereby instead sentenced to suffer an indeterminate prison term of eight (8) years and one (1) day to *prision mayor*, as minimum, to fourteen (14) years, eight (8) months and one (1) day of *reclusion temporal*, as maximum, and that the award of actual damages is hereby reduced from Thirty Thousand Pesos (P30,000.00) to Twenty Thousand Pesos (P20,000.00) and the sum of Fifty Thousand Pesos (P50,000.00) is further granted as death indemnity in addition to the award of Fifty Thousand Pesos (P50,000.00) as moral damages.

With costs against the accused-appellant.

SO ORDERED.

After his motion for reconsideration was denied on November 21, 2003,^[10] Ricardo appealed to the Court.

Issues

Ricardo now submits the following errors for consideration, namely:

I

THE LOWER COURT GRAVELY ERRED IN ITS FACTUAL FINDING THAT THE [PETITIONER] STABBED LINO MULINYAWE IN SPITE OF THE FACT THAT:

1. THE PROSECUTION WITHHELD THE PRESENTATION OF THE ACTUAL KNIVES DURING THE HEARING OF THE CASE – WHICH PRESENTATION AND BLOOD ANALYSIS ON THE TWO KNIVES COULD HAVE PROVEN THAT LINO MULINYAWE FELL ON HIS OWN KNIFE.
2. THE MEDICO-LEGAL TESTIMONY CORROBORATED THE FACT THAT LINO MULINYAWE FELL ON HIS OWN KNIFE.

II

THE COURT OF APPEALS GRAVELY ERRED IN ADOPTING THE TRIAL COURT'S OPINION THAT THE 'FATAL WOUND COULD NOT HAVE BEEN SELF-INFLICTED' WHICH WAS THE DIRECT OPPOSITE OF THE OPINION OF THE ONLY MEDICO-LEGAL EXPERT PRESENTED WHO POSITIVELY