

SECOND DIVISION

[G.R. No. 191068, July 17, 2013]

PEOPLE OF THE PHILIPPINES, PLAINTIFF-APPELLEE, VS. CHRIS CORPUZ Y BASBAS, ACCUSED-APPELLANT.

DECISION

PEREZ, J.:

This is an appeal from the Decision^[1] dated 18 November 2009 of the Court of Appeals (CA) in CA-G.R. CR-H.C. No. 03246 which affirmed the 15 February 2008 Decision^[2] of the Regional Trial Court (RTC), Branch 42, Dagupan City, finding the appellant guilty beyond reasonable doubt of the crime of murder in Criminal Case No. 2001-0070-D.

The Facts

On 18 January 2001, Chris Corpuz (Corpuz) was charged with the crime of Murder with the Use of an Unlicensed Firearm in an Information,^[3] the accusatory portion of which reads:

That on or about October 22, 2000 at around 8:45 o' clock in the evening at barangay Salay, Municipality of Mangaldan, Province of Pangasinan, Philippines, and within the jurisdiction of this Honorable Court, the above-named accused CHRIS CORPUZ y BASBAS, being then armed with an unlicensed firearm a cal .38 revolver, with intent to kill and with treachery, did then and there, wilfully, unlawfully and feloniously attack and shoot at the left upper portion of the stomach of one GILBERT CEREZO y ESQUEBEL, causing his death shortly thereafter due to: "MASSIVE BLOOD LOSS SECONDARY TO GUNSHOT WOUND" as per Certificate of Death issued by Dr. Danilo A. Claridad, Municipal Health Officer, Mangaldan, Pangasinan, to the damage and prejudice of the legal heirs of said deceased GILBERT CEREZO y ESQUEBEL and other consequential damages relative thereto.^[4]

Upon arraignment, accused-appellant Corpuz pleaded not guilty^[5] to the charge.

Thereafter, trial on the merits ensued.

Culled from the records, the prosecution evidence primarily taken from the eyewitness account of Romeo Aquino (Aquino) reveals that at 8:45 in the evening of 22 October 2000, the victim Gilbert Cerezo (Cerezo) together with his friends Aquino, Jonathan Baloy (Baloy) and Frankie Presto (Presto) were in front of his house which is adjacent to the road. The group later sent Presto on an errand to buy

gin. While waiting, Cerezo went to talk with Naning, the daughter of the appellant, whose house was just six (6) meters across Cerezo's house. Suddenly, appellant Corpuz came out of his house and shot Cerezo with a handgun with the latter not being able to put up any defense.^[6] Aquino, Baloy and Presto then brought Cerezo to the hospital^[7] where he consequently died. Appellant, on the other hand, walked towards the eastern dark portion of the road after shooting Cerezo.

Dr. Danilo Claridad, Municipal Health Officer of Mangaldan, Pangasinan prepared a Medico Legal Report on the cause of Cerezo's death. He declared that it was caused by massive blood loss resulting from a gunshot wound which ran thru part of the stomach and the liver. He explained that the liver is full of blood vessels that is why there was massive blood loss. The immediate cause of Cerezo's death was respiratory arrest, while the secondary cause was the gunshot wound which caused the massive blood loss. He further testified that he did not recover any slug from Cerezo's body; the entrance of the gunshot wound was at the left portion of the body about four (4) inches just below the nipple and he did not find any exit wound. He also stated that based on the direction of the slug, the assailant was probably in front of Cerezo at the time of the shooting but he could not identify the kind or type of gun used. He surmised that after the liver was hit, Cerezo could probably survive only for one (1) to two (2) hours. Finally, he confirmed that Cerezo was shot on 22 October 2000 at 8:45 p.m., although, he conducted his examination only on 23 October 2000 at 9:00 a.m.^[8]

The prosecution also submitted as evidence the Police Blotter Entry as reported by witness Romeo Aquino as well as the police investigation conducted by Police Officer Ronnie Maramba which were stipulated upon by the defense.

On the part of the defense, testimonies of the appellant and his daughter Christina also known as "Naning" were offered in evidence which can be summed up as follows:

In the evening of 22 October 2000, appellant was inside their house watching TV together with his wife and children when he heard the firing of a gun, which he ignored as shooting incidents occur in their place. As he went out to check on the water he was boiling, he noticed something in front of the door which he thought was a dog. However, when he opened the door it was Cerezo whom he saw, who even uttered the words "Kuya Chris," to which appellant answered, "It's you Gilbert, your daddy is looking for you." Cerezo said, "don't mind him, I was injured." At this point, appellant instructed his daughter Naning to call for Cerezo's father. After Naning left, appellant followed her and he was able to bring Cerezo's father to appellant's house. Upon seeing his son, Cerezo's father asked him what happened. When Gilbert failed to answer, his father boxed the appellant. The wife of appellant asked him to go inside their house.^[9]

After evaluating the evidence presented by the parties, the trial court found appellant guilty of murder with the use of an unlicensed firearm. It noted the Certification issued by the Firearms and Explosives Division of the PNP Camp Crame indicating that the accused is not a licensed/registered firearm holder of any kind and caliber as of 22 October 2000.^[10] It likewise appreciated the existence of treachery as demonstrated by the fact that the attack on the victim was sudden and unexpected to the extent that he was defenseless at the time of the shooting.

Aggrieved, the appellant assailed the decision on appeal. The Court of Appeals sustained the trial court's finding and found the same to be in order.

The appellant now seeks recourse to this Court on the same issues raised before the CA as to reversible errors committed by the court *a quo* in giving credence to the alleged eyewitness testimony of Aquino, despite the latter's failure to positively identify the appellant as the victim's assailant and for wrongfully appreciating the qualifying circumstance of treachery.

Our Ruling

We find the appeal unmeritorious.

Time and again, we have ruled that factual findings of the trial court, especially those affirmed by the Court of Appeals, are conclusive on this Court when supported by the evidence on record.^[11] In numerous instances, this Court observes restraint in interfering with the trial court's assessment of the witnesses' credibility, absent any indication or showing that the trial court overlooked some material facts or gravely abused its discretion, more so, when the CA sustained such assessment. In the case at bench, we have scoured the records for any indication of arbitrariness or oversight of some fact or circumstance of weight and influence that would warrant a reversal of the factual findings of the courts *a quo*. However, we found none.

The appellant challenges his conviction by attacking the credibility of prosecution witness Romeo Aquino. According to appellant, the said eyewitness failed to positively identify him as the victim's assailant. This is aside from the inconsistencies between Aquino's affidavit submitted to the police and the testimony he made in open court.

We do not find any such inconsistency that would place in doubt the evidence of appellant's guilt.

Well aware that the identity of the offender is crucial in the success of the prosecution of an offense, we note important details that clearly ascertain the appellant as the person responsible for the death of Gilbert Cerezo. For one, it must be pointed out that at the outset, appellant's identity as Chris Corpuz was already admitted and he was positively identified by Romeo Aquino during the trial as the person who shot his friend Gilbert Cerezo in the abdomen, while the latter was having a conversation with appellant's daughter "Naning." In a straightforward manner, Aquino narrated and demonstrated how appellant shot the victim and where they were positioned vis-a-vis his location at the time of the shooting. He also pointed to the appellant as the person who shot Cerezo with a handgun, causing the latter's death. This was appreciated by the court *a quo* which observed the demeanor of Aquino while on the witness stand. At this point, we see no reason to disbelieve his testimony, especially so, that there was no motive on his part to attribute the killing to appellant Corpuz, a neighbour known to him for so long.

The same thing holds true as regards the second assigned error pertaining to the contradicting statements of witness Aquino made in his affidavit^[12] as compared to his testimonies in court which is claimed to have tainted the truthfulness of his