

## SECOND DIVISION

[ G.R. No. 180281, July 01, 2013 ]

**PEOPLE OF THE PHILIPPINES, PLAINTIFF-APPELLEE, VS.  
JOEMARIE JALBONIAN alias "Budo", ACCUSED-APPELLANT.**

### D E C I S I O N

**DEL CASTILLO, J.:**

"Well-settled is the rule that the testimony of a lone prosecution witness, as long as it is credible and positive, can prove the guilt of the accused beyond reasonable doubt."<sup>[1]</sup>

On appeal is the June 7, 2007 Decision<sup>[2]</sup> of the Court of Appeals (CA) in Criminal Case No. CA-G.R. CR. HC No. 00565 which affirmed with modification the March 5, 2003 Decision<sup>[3]</sup> of the Regional Trial Court (RTC), Branch 61, Kabankalan City, Negros Occidental in Criminal Case No. 917 declaring appellant Joemarie Jalbonian alias "Budo" (appellant) guilty beyond reasonable doubt of the crime of murder.

#### ***Factual Antecedents***

On July 30, 1991, an Information<sup>[4]</sup> for murder was filed against appellant, the accusatory portion of which reads as follows:

That on or about the 26<sup>th</sup> day of January 1991, in the municipality of Ilog, province of Negros Occidental, Philippines, and within the jurisdiction of this Honorable Court, the above-named accused, who is still at-large, armed with a bladed weapon, with evident premeditation, treachery and with intent to kill, did, then and there, willfully, unlawfully, and feloniously attack, assault and stab one FORTUNATO QUINTANILLA, JR., thereby inflicting [a] mortal stab wound [on] the back of the body of the latter, which caused the death of said victim.

CONTRARY TO LAW.<sup>[5]</sup>

Appellant went into hiding for more than five years and was apprehended only on July 10, 1996.<sup>[6]</sup> During his arraignment, he entered a plea of "not guilty".<sup>[7]</sup> Thereafter, trial ensued.

#### ***Evidence for the Prosecution***

Barangay Chairman Oscar Valenciano (Valenciano) testified that at 9:00 a.m. of January 26, 1991, a *barangay* assembly meeting was held in Balicotoc Elementary

School, a public educational institution located in Brgy. Balicotoc, Ilog, Negros Occidental.<sup>[8]</sup> After the meeting was adjourned at noon, the participants including Valenciano left the school premises.<sup>[9]</sup>

From a distance of about three-arms length, Valenciano saw appellant position himself behind Fortunato Quintanilla, Jr.<sup>[10]</sup> (Quintanilla), stab the latter on the back with a knife, and immediately run away.<sup>[11]</sup> Valenciano ordered Julio Gaston, a member of the Citizens Armed Forces Geographical Unit (CAFGU), to chase appellant but the latter eluded arrest.<sup>[12]</sup>

Quintanilla was brought by Valenciano to the nearest hospital but he died before reaching there.<sup>[13]</sup>

The prosecution also intended to present as witness Dr. Ricardo P. Garrido, Rural Health Officer of Ilog, Negros Occidental, but his testimony was dispensed with<sup>[14]</sup> as the prosecution and the defense stipulated on the existence of the death certificate<sup>[15]</sup> issued by him indicating that the victim died on January 26, 1991 due to shock and hemorrhage resulting from a stab wound.

### ***Recourse of the Defense***

After the prosecution rested its case, appellant filed a Motion for Leave to File [a] Motion to Dismiss (by way of Demurrer to Evidence).<sup>[16]</sup> However, the trial court denied the motion in its Order dated May 14, 2002.<sup>[17]</sup> Despite the denial, the defense did not present any evidence anymore.

### ***Ruling of the Regional Trial Court***

On March 5, 2003, the trial court rendered a Decision<sup>[18]</sup> convicting appellant of murder qualified by treachery. It gave credence to the testimony of Valenciano who identified appellant as the perpetrator of the crime and gave a detailed account of the stabbing incident. The trial court found that Valenciano had no reason to falsely testify against the appellant and that his account as to how appellant stabbed the victim was corroborated by the death certificate. In addition, the trial court considered appellant's flight for more than five years as indication of his guilt. The dispositive portion of the trial court's Decision reads as follows:

WHEREFORE, premises considered, the Court finds accused Joemarie Jalbonian guilty beyond reasonable doubt of [the] crime of murder as charged[,] qualified by treachery and hereby sentences him to a penalty of RECLUSION PERPETUA and to pay the heirs of the victim Fortunato Quintanilla, Jr. the amount of P50,000.00 by reason of his death.

It is hereby ordered that the accused be immediately remitted to the National Penitentiary.

SO ORDERED.<sup>[19]</sup>

Appellant filed a Notice of Appeal,<sup>[20]</sup> which the RTC approved in its Order<sup>[21]</sup> of April 10, 2003. Pursuant thereto, the records of the case were elevated to this Court. However, in view of our ruling in *People v. Mateo*<sup>[22]</sup> this case was remanded to the CA for intermediate review.

### ***Ruling of the Court of Appeals***

In its June 7, 2007 Decision,<sup>[23]</sup> the CA affirmed appellant's conviction but modified the RTC's judgment by ordering appellant to pay the heirs of the victim exemplary damages, viz:

**WHEREFORE**, in x x x view of the foregoing premises, the instant appeal is hereby **DISMISSED** and the decision of the court *a quo* is hereby **AFFIRMED** with **MODIFICATION** in that accused-appellant Joemarie Jalbonian is further ordered to pay the heirs of the deceased Fortunato Quintanilla, Jr. exemplary damages in the amount of Twenty Five Thousand Pesos (P25,000.00). The decision of the trial court is **AFFIRMED** as to all other respects.

SO ORDERED.<sup>[24]</sup>

Hence, the appeal before us.

### ***Assignment of Error***

Appellant seeks his acquittal by assigning the lone error that:

THE COURT A QUO GRAVELY ERRED IN CONVICTING THE ACCUSED-APPELLANT OF THE CRIME CHARGED DESPITE THE INSUFFICIENCY OF EVIDENCE TO PROVE HIS [GUILT] BEYOND REASONABLE DOUBT.<sup>[25]</sup>

### ***The Parties' Arguments***

Appellant assails the credibility of Valenciano and contends that the RTC erred in relying on the latter's testimony which was incredible and insufficient to prove his guilt. He posits that if Valenciano was indeed following the victim, then the latter could not have seen the face of the attacker who must necessarily position himself between him and the victim. And in order for the assailant to stab the victim from behind, his back must be turned against Valenciano. Moreover, Valenciano's testimony was not even corroborated.<sup>[26]</sup>

Appellant likewise asserts that the fatal stab wound on the back of the victim is not by itself proof of treachery. He maintains that there is nothing on record to prove that he stabbed the victim's back to ensure the execution of the crime or to deprive the victim of any chance to defend himself.<sup>[27]</sup>

In its Brief,<sup>[28]</sup> the People of the Philippines, through the Office of the Solicitor General (OSG), maintains that Valenciano witnessed the commission of the crime since he was just a few meters away from the victim when the latter was attacked in broad daylight. Also, it was easy for Valenciano to identify appellant since the former was then the *Barangay* Chairman and, therefore, was familiar with the residents of the *barangay*. The OSG likewise disputes appellant's claim that Valenciano's uncorroborated testimony adversely affects his credibility. It argues that the testimony of a single witness, if truthful and credible, is sufficient to convict an accused. Besides, the factual findings of the trial court, in the absence of showing that they were reached arbitrarily or without sufficient basis, must be upheld. The OSG further argues that the crime committed was murder qualified by treachery since the suddenness of the assault deprived the victim of an opportunity to either fight or flee.<sup>[29]</sup>

### **Our Ruling**

The appeal is unmeritorious.

*The testimony of Valenciano as the lone witness for the prosecution suffices to establish appellant's culpability for the crime charged.*

We are convinced that it was appellant who killed the victim. Valenciano clearly narrated the details of the stabbing incident and positively identified appellant as the assailant. In a simple, spontaneous, and straightforward manner, he testified as follows:

PROS. : At around 12:00 o'clock, x x x on January 26, 1991,  
GATIA can you remember where [y]ou were]?

WITNESS : There was an assembly meeting and there was an  
incident [that] happened. I was about to go home  
after the assembly meeting [was] adjourned at 12:00  
o'clock noon, sir.

Q : After your assembly meeting at Brgy. Balicotoc on  
January 26, 1991 was adjourned, where did you  
proceed?

A : We were following each other from the place where  
the assembly meeting was held, sir.

Q : What happened while you were going out from the  
school where the assembly meeting was held?

x x x x

WITNESS : I saw [the accused who was] following the victim  
Fortunato Quintanilla [stab] him[. I then] ordered the  
CAFGU to [chase] the accused, sir.

x x x x

Q : You said you saw somebody [position] himself at the  
back of Fortunato Quintanilla, Jr. and [stab] him, who  
was this person who stabbed Fortunato Quintanilla,  
Jr.?

A : Joemarie Jalbonian, sir.

Q : Are you referring to this Joemarie Jalbonian alias  
"Budo" whom you pointed out just awhile ago?

A : Yes, sir.  
 Q : How far were you from Fortunato Quintanilla, Jr. when he was stabbed by Joemarie Jalbonian?  
 A : About three (3) extended arms length, sir.<sup>[30]</sup>  
 x x x x  
 Q : What did you do with Fortunato Quintanilla, Jr. after he was stabbed?  
 A : I rushed for the transportation to bring the victim, but he did not [survive] because about five hundred meters we walked, sir.<sup>[31]</sup>

It has been held that when a testimony is given in a candid and straightforward manner, there is no room for doubt that the witness is telling the truth.<sup>[32]</sup> Moreover, Valenciano's testimony on the stabbing of the victim was corroborated by the Certificate of Death<sup>[33]</sup> attesting that the cause of death was a stab wound.

As to appellant's argument that it was impossible for Valenciano to personally identify him as the assailant since the victim and his attacker had their backs turned to Valenciano, we find the same unworthy of credence.

Suffice it to say that the relative position of the witness from the victim and the assailant refers to a minor detail that does not detract from his credibility. What is important is that Valenciano witnessed the unfolding of the crime and was able to positively identify appellant as the culprit.<sup>[34]</sup> In addition and as correctly pointed out by the OSG, Valenciano readily identified appellant because the latter used to reside in the same *barangay* of which he was *barangay* captain. In fact, he testified as follows:

PROS. GATIA : Mr. Valenciano, do you know the accused in this case by the name of Joemarie Jalbonian?  
 WITNESS : Yes, sir.  
 Q : Do you know this accused by face and by x x x name before January 26, 1991?  
 A : Yes, sir.  
 Q : Why [do] you know him?  
 A : Because I was then a Barangay Captain [of Brgy. Balicotoc.] I [am familiar with almost all] the residents there, sir.  
 Q : So, in 1991 of January you were then Barangay Captain of Barangay Balicotoc?  
 A : Yes, sir.  
 Q : If this Joemarie Jalbonian alias "Budo" is here inside the courtroom, can you point to him?  
 A : Yes, sir.  
 Q : Please point to him?  
 INTERPRETER : The witness pointed to the person who stood up[,] and when asked[,] identified himself as Joemarie Jalbonian y Mellendez.<sup>[35]</sup>

Also, the fact that Valenciano was just a few meters away from the victim and that