

THIRD DIVISION

[G.R. No. 192250, July 11, 2012]

**PEOPLE OF THE PHILIPPINES, PLAINTIFF-APPELLEE, VS.
HERMOGENES DE GUZMAN @ MONG, ACCUSED-APPELLANT.**

DECISION

MENDOZA, J.:

This is an appeal from the February 9, 2010 Decision^[1] of the Court of Appeals (CA) in CA-G.R. CR-HC No. 03458, which affirmed the May 2, 2008 Decision^[2] of the Regional Trial Court, Branch 45, San Jose, Occidental Mindoro (RTC), in Criminal Case No. R-5285, finding accused Hermogenes De Guzman @ Mong (De Guzman) guilty beyond reasonable doubt of the crime of Murder defined and penalized under Article 248 of the Revised Penal Code and sentencing him to suffer the penalty of *reclusion perpetua*.

THE FACTS

De Guzman was charged with the crime of Murder in the Information,^[3] dated November 12, 2002, the accusatory portion of which reads:

That on or about the 20th day of April, 2002 at around 11:00 o'clock in the evening, in Brgy. San Francisco, Municipality of Sablayan, Province of Occidental Mindoro, Philippines and within the jurisdiction of this Honorable Court, the accused being then armed with a sharp bladed instrument, with intent to kill, with treachery, did then and there willfully, unlawfully and feloniously attack, assault and stab with the said weapon one Noriel Rosales Urieta, thereby inflicting upon the latter serious wounds which caused his untimely death.

CONTRARY TO LAW.

When arraigned, De Guzman entered a plea of "Not Guilty"^[4] to the offense charged. After pre-trial was terminated, trial on the merits ensued. The prosecution presented the testimonies of Ignacio Flores (*Flores*), the childhood friend of victim Noriel Urieta (*Urieta*) and the purported eyewitness to the stabbing incident; Dr. Ma. Socorro Ragos (*Ragos*), who conducted a post-mortem examination on the cadaver of the victim; and Gina Urieta (*Gina*), the wife of the victim. The defense, on the other hand, presented the lone testimony of De Guzman.

The Version of the Prosecution

The version of the prosecution is succinctly summarized by the Office of the Solicitor

General (OSG) in its Brief^[5] as follows:

On April 20, 2002 at around 11:00 o'clock in the evening, Noriel Urieta was in Brgy. Francisco, Sablayan, Occidental Mindoro along with Ignacio Flores. They were drinking in the amusement area.

When they were about to leave the premises, appellant suddenly approached them and without any provocation, suddenly stabbed Noriel Urieta with a knife on his left chest.

After the first blow, the victim was already kneeling down and appellant proceeded to stab him three (3) more times.

Appellant thereafter ran away.

Ignacio Flores called out for help and one Elmer Honato arrived to give them aid and bring the victim to a secure place and thereafter proceeded to call for help.

He waited for Elmer Honato to arrive but he did not return anymore. With the condition of the victim uncertain and as he was afraid, he decided to leave the victim and go home.

Two days later, Police Officer Gamba, together with the father of Noriel Urieta and Gina Urieta, the wife of Noriel Urieta, went to the house of Ignacio Flores in order to get the sworn statement as to the facts that happened in this case. They were able to do so.

Subsequently, an arrest on the person of Hermogenes de Guzman was made.

The Office of the Provincial Prosecutor then filed the appropriate charges thereafter.^[6]

The Version of the Defense

In his Brief,^[7] De Guzman denied the charge against him and presented his version of the events:

On the evening of April 21, 2002, Hermogenes De Guzman joined a drinking spree at the house of a relative at barangay San Francisco. He was there from 8:00 o'clock in the morning until 12:00 o'clock midnight, when he went home with his wife.

The following day, he was drying palay when his wife informed him that police officers were looking for him. He approached and inquired from the officers what was the reason. He was told to go with them to the municipal hall for questioning. Thereat, he was incarcerated because of his alleged involvement in a stabbing incident.

De Guzman does not personally know the victim, his wife, nor the supposed eyewitness, Ignacio Flores. He (De Guzman) was not with Urieta when the former had a drinking spree. He denied having stabbed and killed Urieta.^[8]

The RTC Ruling

On May 2, 2008, the RTC rendered judgment finding that the prosecution was able to establish with certitude, through the credible testimony of prosecution witness Flores, that De Guzman stabbed and killed Urieta on that fateful night of April 20, 2002. The RTC rejected the unsubstantiated defense of alibi proffered by De Guzman in the face of the positive identification of Flores pointing him as the perpetrator of the crime. It held that treachery attended the commission of the crime which qualified the killing to murder. The RTC adjudged:

WHEREFORE, this Court finds the accused HERMOGENES DE GUZMAN alias "Mong" GUILTY beyond reasonable doubt of the crime of Murder defined and penalized under Article 248 of the Revised Penal Code and with neither aggravating nor mitigating circumstance and in line with the mandate of Republic Act No. 9346, hereby imposes the penalty of Reclusion Perpetua.

Also, this Court hereby orders the said accused to PAY the surviving heirs of the victim the following:

- 1) The sum of P50,000.00 as civil indemnity ex-delicto;
- 2) The sum of P38,000.00 as actual damages;
- 3) The sum of P50,000.00 as moral damages; and
- 4) The costs of this suit.

The said accused is hereby credited of his total duration of preventive imprisonment in the service of his imposed imprisonment.

SO ORDERED.^[9]

The CA Decision

On appeal, the CA affirmed the judgment of conviction of De Guzman holding that his guilt for the crime of murder was proven beyond reasonable doubt by the prosecution's evidence. The CA added that the facts established by the unwavering testimony of eyewitness Flores could not be displaced by the empty denials and self-serving alibi of De Guzman. It sustained the RTC in appreciating the presence of the qualifying circumstance of treachery which elevated the killing to Murder. The dispositive portion of the February 9, 2010 Decision reads:

WHEREFORE, premises considered, the appeal is hereby DISMISSED. The decision of Branch 45, Regional Trial Court of San Jose, Occidental, Mindoro in Criminal Case No. R-5285 is hereby AFFIRMED.

SO ORDERED.^[10]

On February 18, 2010, De Guzman filed a Notice of Appeal,^[11] which was given due course by the CA in its March 3, 2010 Minute Resolution.^[12]

On July 2, 2010, this Court issued a resolution^[13] notifying the parties that they could file their respective supplemental briefs, if they so desire, within thirty days from notice. Both parties manifested that they would no longer file supplemental briefs.

THE ISSUES

Insisting his innocence, De Guzman imputes to the RTC the following errors:

I

THE TRIAL COURT GRAVELY ERRED IN GIVING FULL CREDENCE TO THE INCONSISTENT AND DOUBTFUL TESTIMONY OF THE PROSECUTION'S EYEWITNESS.

II

THE TRIAL COURT GRAVELY ERRED IN FINDING THE ACCUSED-APPELLANT GUILTY BEYOND REASONABLE DOUBT OF MURDER DESPITE THE EYEWITNESS' FAILURE TO POSITIVELY IDENTIFY THE FORMER.

III

THE TRIAL COURT GRAVELY ERRED IN FINDING THAT TREACHERY ATTENDED THE SUBJECT KILLING.^[14]

De Guzman argues that the evidence for the prosecution did not meet that quantum of proof necessary to convict him of the crime charged. The testimony of Flores was riddled with inconsistencies and contradictions which tend to erode his credibility and raise doubt on the veracity of the prosecution evidence. It was highly improbable for Flores to clearly identify the assailant considering that the stabbing incident took place suddenly and quickly at 11:00 o'clock in the evening in a remote barangay with no good source of illumination. The prosecution miserably failed to show any ill motive on his part that could have possibly impelled him to commit the crime. Since the prosecution's case is weak, his defense of alibi assumes importance and can effectively negate his criminal liability. Finally, De Guzman asserts that even granting *arguendo*, that he indeed stabbed Urieta, he cannot be convicted of murder because the prosecution failed to establish the presence of the qualifying circumstance of treachery.

For the prosecution, the OSG urges this Court to affirm *in toto* the challenged decision for failure of De Guzman to show that the RTC committed any error in rendering a judgment of conviction. It contends that the narration of Flores

regarding the bloody assault on Urieta had clearly established the *corpus delicti* of the crime which rendered inconsequential the alleged inconsistencies in his testimony. It is of the position that eyewitness Flores testified in clear and unequivocal terms as to the identity of the author of the crime. Lastly, it posits that treachery was alleged and duly proved by the prosecution during the trial and, hence, the conviction of De Guzman for murder was correct.

THE COURT'S RULING

The crucial issue in this case is the sufficiency of evidence to convict De Guzman. More particularly, the Court has to inquire whether there had been sufficient identification of De Guzman as the perpetrator of the crime.

In every criminal case, the task of the prosecution is always two-fold, that is, (1) to prove beyond reasonable doubt the commission of the crime charged; and (2) to establish with the same quantum of proof the identity of the person or persons responsible therefor, because, even if the commission of the crime is a given, there can be no conviction without the identity of the malefactor being likewise clearly ascertained.^[15]

Although it is entrenched in this jurisdiction that findings of the trial court on the credibility of the witnesses are accorded great weight and respect because it had ample opportunity to observe the demeanor of the declarants at the witness stand, this rule admits exceptions. The saving instance is said to be when a fact or circumstance of weight and influence has been overlooked, or its significance misconstrued by the trial court sufficient to harbor serious misgivings on its conclusions.^[16]

After a painstaking review of the records and the transcripts of stenographic notes of the testimonies of the witnesses, the Court is not convinced with moral certainty that De Guzman committed the crime charged. Reasonable doubt bothers the conscience. With a cloud of doubt continuously hovering, the mind cannot rest easy.

The case for the prosecution was woven basically on the testimony of Flores, who claimed to be a childhood friend of Urieta.^[17] This alleged eyewitness recounted that on April 20, 2002, at around 11:00 o'clock in the evening, he and Urieta were drinking beer at a store near a "perumahan" in Barangay Francisco, Sablayan, Occidental Mindoro; that after they had finished their third bottle of beer, they decided to leave their table; that when Urieta was about to stand up, De Guzman suddenly appeared from nowhere and stabbed Urieta using a knife with a red handle, without any reason or provocation; that the stab blow landed on the left breast of Urieta and caused him to fall down; that while in a kneeling position, De Guzman stabbed him three more times; that Flores cried for help but no one came to their aid; and that thereafter, De Guzman ran away.

Flores claimed that a certain Elmer Honato (*Honato*) came and brought Urieta to the corner of the street; that Honato then went to the barangay hall allegedly to look for a physician who would attend to the seriously injured Urieta; that he waited for Honato but sensing that the latter would no longer return, he hurriedly went home leaving Urieta alone on the ground; and that he did not know whether Urieta was still alive when he left him.