

SECOND DIVISION

**[G.R. No. 169877 (Formerly G.R. No. 159500),
February 14, 2008]**

**PEOPLE OF THE PHILIPPINES, Plaintiff and Appellee, vs.
AMADOR SEGOBRE y QUIJANO,* Defendant and Appellant.**

DECISION

QUISUMBING, J.:

This is an appeal from the Decision^[1] dated May 26, 2005 of the Court of Appeals in CA-G.R. CR-H.C. No. 00882 which affirmed with modification the Decision^[2] dated October 30, 2002 of the Regional Trial Court of Antipolo City, Branch 73, in Crim. Case No. 97-13850 finding appellant Amador Segobre y Quijano guilty beyond reasonable doubt of the crime of murder.

In an Information dated March 17, 1997, appellant was charged with murder committed as follows:

x x x x

That on or about the 15th day of March, 1997, in the Municipality of Antipolo, Province of Rizal, Philippines and within the jurisdiction of this Honorable Court, the above-named accused, with intent to kill, armed with a butcher knife, with evident premeditation and treachery, did then and there wilfully, unlawfully and feloniously attack, assault and stab one Roberto Crescini^[3] with the said butcher knife on the chest, thereby [inflicting] upon the latter stab wound which directly caused his death.

CONTRARY TO LAW.^[4]

When arraigned, appellant pleaded not guilty. Thereafter, trial ensued. The prosecution presented two witnesses, namely, Lester C. Villafaña, the eyewitness; and Dr. Ma. Cristina B. Freyra, the medico-legal expert who conducted the autopsy on the cadaver of the victim.

Villafaña testified that on March 15, 1997, at around 5:00 p.m., he was walking along Crisostomo Street, Antipolo City, when he saw appellant standing at the nearby electric post. Two minutes later, he saw appellant block the victim Roberto Crescini, who was coming from Sumulong Highway on a bicycle. At a distance of 5 ½ meters, Villafaña saw appellant grab Crescini's right shoulder with his left hand and stab Crescini on the right chest. After the incident, appellant ran away. A commotion then ensued. Thereafter, Villafaña left. The next morning, he learned that Crescini had died in the hospital.^[5]

Dr. Freyra found that there was only one fatal wound caused by a single bladed weapon. She testified that this was a stab wound on the right chest inflicted by an assailant who, if right-handed, was positioned at the extreme right of the victim, and if left-handed, would be in front of the victim.^[6]

Appellant denied the charges against him. He narrated a different version of events: He testified that on March 15, 1997 at "around 4:00 p.m.," he was about to leave his house on Crisostomo Street, Mayamot, Antipolo City, when a boy named Alexandro Mariño informed him that a certain Berting Crescini "met an accident around 5:00 o'clock (sic) in the afternoon." After the conversation, he proceeded to the market. While waiting for a ride on Crisostomo Street, near the Texas Cockpit Arena, he saw the boy Mariño throw a knife in front of him. Seeing that it was beautifully crafted, he picked up the knife and proceeded to go to the market. But on his way, the police authorities arrested him as the suspect for the killing of Crescini. He also denied he knew Crescini, but admitted that his house and Crescini's house were just separated by a wall.^[7]

On October 30, 2002, the trial court convicted appellant of the crime of murder and found the circumstances of treachery and evident premeditation to have attended the killing. The decretal portion of the decision reads,

WHEREFORE, premises considered, accused AMADOR SEGOBRE is hereby found guilty of Murder beyond reasonable doubt and is hereby sentenced to suffer the penalty of Reclusion Perpetua.

The accused is further ordered to indemnify the heirs of Roberto Crescini in the amount of P50,000.

SO ORDERED.^[8]

Following *People v. Mateo*,^[9] the case was referred to the Court of Appeals for review. ^[10]

The Court of Appeals affirmed appellant's conviction for murder, but appreciated the circumstance of treachery only. The Court of Appeals held,

x x x x

The qualifying circumstance of evident premeditation, however, cannot be appreciated in the instant case, as there was no proof as to how and when the plan to kill the victim was hatched or what time had passed before the killing was carried out. Nonetheless, the qualifying circumstance of treachery suffices to qualify the offense to murder.

x x x x

WHEREFORE, the decision of the Regional Trial Court, Branch 73, Antipolo City is **AFFIRMED** with **MODIFICATION**. Appellant is ordered to pay the heirs of Roberto Crescini the amount of P50,000.00 as moral damages in addition to the amount of P50,000.00 awarded as civil indemnity by the trial court.^[11] (Citations omitted.)

On February 8, 2006, this Court required the parties to submit their respective supplemental briefs. The parties, however, separately manifested that they are no longer filing supplemental briefs as they have fully argued their respective positions in their briefs before the Court of Appeals.

Appellant in his brief assigns the following errors:

I.

THE COURT A *QUO* GRAVELY ERRED IN FINDING THE ACCUSED-APPELLANT GUILTY BEYOND REASONABLE DOUBT FOR THE CRIME OF MURDER.

II.

GRANTING ARGUENDO THAT ACCUSED-APPELLANT WAS GUILTY OF STABBING ROBERTO CRESCINI, THE COURT A *QUO* ERRED IN FINDING HIM GUILTY OF MURDER DESPITE THE PROSECUTION'S FAILURE TO PROVE THE PRESENCE OF TREACHERY AND EVIDENT PREMEDITATION.

[12]

Simply put, the issues are: (1) Did the trial court err in convicting appellant of the crime charged? and (2) Did evident premeditation and treachery attend the killing?

Appellant avers that the prosecution failed to prove his guilt beyond reasonable doubt, and that the trial court relied on the weakness of his defenses of alibi and denial. Appellant also avers that, assuming for the sake of argument that he was guilty of stabbing the victim, the court still erred in convicting him of murder as the prosecution failed to prove the presence of treachery and evident premeditation.

The Office of the Solicitor General (OSG), for the State, stresses that appellant was positively identified as the malefactor by Villafaña who witnessed the incident from a distance of only 5½ meters. It adds that appellant's testimonies were inconsistent. His defense of denial and alibi could not prevail over his positive identification by the eyewitness to the incident. The OSG also maintains that treachery attended the killing of Crescini as appellant employed means which rendered Crescini unable to resist appellant's attack.

We shall now rule on the issues raised by appellant.

The assessment of the credibility of witnesses and their testimonies is a matter best undertaken by the trial court because of its unique opportunity to observe the witnesses firsthand and to note their demeanor, conduct and attitude under cross examination.^[13] If found positive and credible by the trial court, the testimony of a lone eyewitness is sufficient to support a conviction.^[14] The trial court's findings on such matters, when affirmed by the appellate court, are binding and conclusive on this Court, unless it is shown that the court *a quo* has plainly overlooked substantial facts which, if considered, might affect the result of the case.^[15]

Here, both the trial and appellate courts gave credence to Villafaña's testimony identifying appellant as the perpetrator of the crime. Villafaña's straightforward and candid narration of the incident was regarded as positive and credible evidence,