

SECOND DIVISION

[G.R. No. 181631, September 30, 2008]

**THE PEOPLE OF THE PHILIPPINES, APPELLEE, VS. JOSE
BALINAS, JR., APPELLANT.**

D E C I S I O N

TINGA, J.:

Before us on appeal is the Decision^[1] of the Court of Appeals affirming the judgment^[2] of the Regional Trial Court^[3] of Kabankalan City, Negros Occidental in Criminal Case No. 2000-2445 finding Jose Balinas, Jr. (appellant) guilty of the crime of murder.

Appellant was charged with murder under the following Information:

That on or about the 7th day of [January 2000], in the Municipality of Ilog, Province of Negros Occidental, Philippines, and within the jurisdiction of this Honorable Court, the above-named accused, armed with a bladed weapon, with evident premeditation and treachery and with intent to kill, did then and there, willfully, unlawfully and feloniously attack, assault and stab one COLUMBAN M. SAYSON, thereby inflicting stab wounds upon him which caused his death.^[4]

The facts, as narrated by Romeo Mateo (Mateo), the prosecution's lone witness, follow.

On 7 January 2000, Mateo was watching a *cara y cruz* game in Sitio Bailan, Brgy. Dancalan, Ilog, Negros Occidental at around 2:00 a.m. He noticed appellant and the latter's father, Jose Balinas, Sr. (Balinas, Sr.), exchanging words over a bet. Mateo overheard Balinas, Sr. that his bet was P300.00 while appellant was insisting that it was only P200.00. Afterwards, Columban Sayson (Sayson) inquired from Balinas, Sr. about the incident. Upon learning the cause of the argument, Sayson suggested that the difference be taken from the collection.^[5] Sensing an impending conflict, Mateo went to a nearby store^[6] while appellant went back to his house. Later, he saw Sayson, accompanied by Tongtong Gomez, run into appellant in the store.

Thereat, appellant confronted Sayson about the latter's intervention earlier inside the gambling place. Sayson replied that he wanted to settle things for the sake of peace. Thereafter, Sayson and Gomez left the store but appellant overtook the duo and stabbed Sayson twice on the chest. Appellant immediately ran away while Sayson shouted for help. During the entire stabbing incident, Mateo was situated four arms length from the trio.^[7]

Sayson died as a result. The death certificate shows that he died from cardio-

respiratory arrest, hypovolemic shock due to stab wounds in the chest and hemathorax and pneumothorax.^[8]

Although appellant admitted the stabbing, he invoked self-defense. He related that on 7 January 2000 at around 2:00 a.m., Sayson waylaid him by the store and started beating him. He was hit on the chest, left cheek and other body parts. When Sayson persisted in punching him, appellant fought back and stabbed Sayson. After stabbing him, appellant ran towards his house, told his parents about the incident, and surrendered to the police.^[9] In support of his testimony, appellant presented an entry in the police blotter to prove that he voluntarily surrendered. The said entry reiterated appellant's claim that he stabbed Sayson because the latter boxed him several times.^[10]

After a thorough examination of the evidence presented by the parties, the trial court rendered a decision convicting appellant, the dispositive portion of which reads:

WHEREFORE, the Court finds accused Jose Balinas, Jr. y Gomez, guilty beyond reasonable doubt of the crime of murder as charged qualified by treachery and considering the mitigating circumstance of voluntary surrender thereby sentences him to suffer the penalty of imprisonment of *reclusion perpetua* and to pay the heirs of [the] victim Columban M. Sayson the amount of P50,000.00 by way of indemnity by reason of his death, P15,000.00 by way of moral damages, P40,000.00 by way of actual damages, P150,000.00 by way of loss of income and to pay the costs.

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

SO ORDERED.^[11]

The trial court relied on the testimony of the sole prosecution witness and found him to be candid, categorical and straightforward. Furthermore, it observed that the lack of improper motive on the part of the witness lent greater credence to his testimony. It also discredited appellant's claim of self-defense. It held that such defense was not only uncorroborated by any separate competent evidence but is in itself extremely doubtful. The trial court concluded that the suddenness of the attack on the victim constitutes treachery qualifying the crime to murder.^[12]

Appellant filed a Notice of Appeal to this Court on 2 February 2004.^[13]

In a Resolution dated 6 September 2004 and pursuant to our ruling in *People v. Mateo*,^[14] the case was transferred to the Court of Appeals. The appellate court affirmed *in toto* the trial court's ruling. Undaunted, appellant filed a notice of appeal.^[15]

On 2 April 2008, the parties were required to simultaneously file their respective supplemental briefs but they opted to adopt their briefs passed upon by the Court of Appeals.^[16]

Appellant interposes two arguments to exculpate himself from criminal liability. He first invokes self- defense by insisting that it was Sayson, the victim, who initiated the attack. He justifies the use of a bladed weapon as he could not be expected to coolly choose the less deadly weapon in the face of an impending danger. He also avers that he did not give any cause for the aggression of the victim. Appellant also contends that the lower court erred in appreciating the qualifying circumstance of treachery for lack of concrete evidence to prove its presence.^[17]

For the appellee, the Office of the Solicitor-General (OSG) argues that appellant failed to corroborate his claim of self-defense. It considers appellant's version of the facts as self-serving and highly suspect. It asserts that treachery attended the commission of the crime considering that the attack on Sayson was sudden and unexpected. Moreover, the OSG points out, the execution of the attack made it impossible for Sayson to defend himself.^[18]

The arguments proffered by both parties can be summarized into two issues: (1) whether appellant acted in self-defense and (2) whether the killing was attended by treachery. Essentially, it boils down to the issue of credibility.

It is doctrinal that when the credibility of a witness is in issue, the findings of fact of the trial court, its calibration of the testimonies of the witnesses and its assessment of the probative weight thereof, as well as its conclusions anchored on said findings are accorded high respect if not conclusive effect. This is because the trial court has the unique opportunity to observe the demeanor of a witness and is in the best position to discern whether he is telling the truth. It is likewise settled that when the trial court's findings have been affirmed by the appellate court, said findings are generally conclusive and binding upon this Court.^[19]

There appears to be no cogent reason to deviate from the findings of the lower courts with respect to the credibility of the lone eyewitness in the instant case.

Mateo, despite being the lone eyewitness to the crime, gave a positive and categorical account of the incident, thus:

Q: How long if you can estimate and recall their exchanging of words of Jose Balinas and Columban Sayson?

A: Just for a short while Jose Balinas, Jr. confronted Columban Sayson why he intervened and then Columban Sayson answered just to settle those things for peace.

Q: What happened after that?

A: After some sort of exchanging words Columban said - many talks many mistakes and then he went away together with Tongtong Gomez and then Jose Balinas, Jr. went ahead of them, went around the store and overtook them and then he stabbed Columban Sayson.

Q: Where was Columban Sayson hit?

x x x

A: He was hit in front of his body on the chest.