

SECOND DIVISION

[G.R. No. 172871, September 16, 2008]

**PEOPLE OF THE PHILIPPINES, PLAINTIFF-APPELLEE, VS.
CLEMENTE CASTA Y CAROLINO, ACCUSED-APPELLANT.**

D E C I S I O N

BRION, J.:

This is an appeal from the March 10, 2006 Decision^[1] of the Court of Appeals (CA) in CA-G.R. CR-HC No. 01217. The CA affirmed the August 18, 1999 Decision^[2] of the Regional Trial Court (RTC), Branch 55, Alaminos, Pangasinan, finding the appellant Clemente Casta y Carolino (*appellant*) guilty beyond reasonable doubt of the crime of murder and sentencing him to suffer the penalty of *reclusion perpetua*.

ANTECEDENT FACTS

The prosecution charged the appellant before the RTC with the crime of murder under an Information that states:

That on or about the 20th day of August, 1989 in the afternoon, at barangay Goyoden, municipality of Bolinao, province of Pangasinan, New [sic] Republic of the Philippines and within the jurisdiction of this Honorable Court, the above-named accused, with intent to kill and by means of treachery, did, then and there, willfully, unlawfully and feloniously, suddenly and without warning attack and stab DANILO CAMBA with a knife, inflicting upon the victim the following injuries to wit:

- stab wound, 3 inches in length, 4 inches in depth, located at the back, left side, 5 inches (level) below the armpit;
- stab wound at the left forearm, 3 cm. length and 1 inch depth.

which caused his instantaneous death to the damage and prejudice of the heirs of Danilo Camba.

CONTRARY to Article 248 of the Revised Penal Code.^[3]

The appellant pleaded not guilty to the charge upon arraignment. The prosecution presented the following witnesses in the trial on the merits that followed: Marlyn^[4] Cister; Modesto Cardona; Domingo Camba; Dionisia Camba; and Dr. Prudencio C. de Perio. The appellant took the witness stand for the defense.

Marlyn Cister (*Marlyn*) testified that in the afternoon of August 20, 1989, while seated on the steps of the stairs of their house, she saw Danilo Camba (*Danilo*) and Modesto Cardona (*Modesto*) standing by the roadside.^[5] Suddenly, the appellant appeared from behind Danilo and stabbed him (*Danilo*).^[6] Danilo fell and died on the spot. Thereafter, the appellant fled.^[7]

Modesto narrated that at around 3:00 o'clock in the afternoon of August 20, 1989, he was walking along the road at Sitio Makber, Goyoden, Bolinao, Pangasinan when Danilo emerged from a small road and joined him. Along the way, they met Marcos Gumangan (*Marcos*) and Angel Gatchalian (*Angel*) with whom they exchanged greetings; it was Danilo's first time to visit Goyoden after several years. They all walked towards the west with Marcos and Angel walking behind them. Suddenly, the appellant appeared from behind Danilo and stabbed him using a double-bladed knife.^[8] Danilo turned around and then fell; the appellant fled still holding the knife he used in stabbing Danilo.^[9]

On cross-examination, he testified that he was at about "*two (2) arms length*" away from Danilo when he was stabbed, while their other companions were behind them.^[10]

Senior Police Officer I Domingo Camba (*SPO1 Camba*), a member of the Bolinao Police Station, narrated that on August 20, 1989, Barangay Captain Igmedio Gatchalian went to the Bolinao Police Station to report the stabbing of Danilo by the appellant; the incident was entered in the police blotter as Entry No. 4300.^[11] He and other police officers promptly went to Barangay Goyoden and conducted an on-the-spot investigation at the crime scene.^[12] The next day (August 21, 1989), the appellant's uncle came and told him that the appellant was at his (the appellant's) house. He went with the appellant's uncle to the appellant's house where the appellant gave himself up. He forthwith brought the appellant to the police station for investigation.^[13]

At the police station, the appellant confessed to the killing of Danilo after being informed of his constitutional rights and in the presence of counsel, a certain Atty. Antonio V. Tiong,^[14] The confession was reduced to writing and was signed by the appellant and Atty. Tiong.^[15]

Dionisia Camba (*Dionisia*), Danilo's widow, testified that her husband was an employee of the Office of the Register of Deeds, Lingayen, Pangasinan at the time of his death, earning more than P3,000.00 a month.^[16] They have four (4) children and that her husband was the sole breadwinner of the family. According to her, she spent a total of P13,500.00 for the funeral and burial expenses of her husband^[17] but the receipts for these expenses have all been lost.^[18]

Dr. Prudencio C. de Perio (*Dr. de Perio*), the Municipal Health Officer of Bolinao, Pangasinan, narrated that he conducted an autopsy on the remains of Danilo at the request of the police,^[19] and made the following findings:

x x x x

III. Findings

A male cadaver undergoing rigor mortis, around 5'6" in height, and around 145 lbs. in weight.

- Stab wound, 3 inches in length, 4 inches in depth, located at the back, left side, 5 inches (level) below the armpit.
- Left lung injured and also the heart, causing massive hemorrhages.
- Stab wound at the left forearm, 3 cm. length and 1 inch depth.

Wound is horizontal.^[20]

According to Dr. de Perio, the victim's cause of death was "shock, due to massive hemorrhage brought about by the stab wounds."^[21] He added that the stab wounds were caused by a sharp-pointed instrument such as a dagger.^[22]

The appellant gave a different version of the events which the RTC summarized as follows

x x x that on August 20, 1989 in the afternoon, he went to Sitio Matber, Goyoden, Bolinao, to buy fish; that before reaching the place where he will buy fish, he met a person whom he did not know.^[23] This person called him by waving his hand and pointing to him. He responded to the call of this person by approaching him but when he was near him, this person boxed him but he was not hit. They grappled with each other and he did not notice if there were other persons around them; that he then noticed that his knife was already bloody so he ran away; that there was no person around that he noticed when he saw his knife bloody; that at that time, he did not know the identity of the person with whom he grappled; that when he was already detained, he learned that the person was Danilo Camba.^[24]

The accused also declared that he was not arrested by the Police, but he surrendered to Pat. Domingo Camba on August 21, 1989 to whom his uncle relayed the information that he wanted to surrender and Pat. Camba fetched him. While under Police custody, he was investigated by Pat. Camba and said investigation was in writing and signed by him (Exhibit D, D-1 and D-2), but he said that the document was not his statement although it bears his signature.^[25] He was forced to sign the investigation because he was afraid of the investigator who bears the same family name as the victim but he does not know if they are related; x x x x^[26]

On cross-examination, he declared that he did not plan to kill the victim and his killing was accidental.^[27] He gave his affidavit in the Bolinao dialect in questions and answers (Exhibits D and series); that all the signatures bearing his name are his (Exhibit D-4, D-5, D-6); that this

document has an English translation (Exhibit F); x x x that he admitted on direct examination that he stabbed Danilo Camba and he threw the knife into the sea when he rode on a motorboat and was confused; that he knew that the date when he stabbed Danilo Camba was August 20, 1989 and in the afternoon but he did not know the time.^[28]

On re-direct examination, the accused declared that the reason for his stabbing Danilo Camba was that when they met on the road and Camba was drunk, without any provocation on his part, Camba positioned to box him so he drew his knife and stabbed him; that he did not know the reason why Camba wanted to box him; that at that time, Camba was with one Fedelino Gatchalian; that he had no previous grudge with Camba because he did not know him; that he did not see the victim with any weapon and he did not know if he was armed or not; and that he is bigger than Camba.^[29] [Footnotes referring to the pertinent parts of the record supplied]

The RTC convicted the appellant of the crime of murder in its decision of August 18, 1999 as follows:

Wherefore, in view of the foregoing considerations, the Court hereby renders judgment, finding the accused Clemente Casta y Carolino, of Barangay Goyoden, Bolinao, Pangasinan, guilty beyond reasonable doubt of the crime of Murder for the death of Danilo Camba, of the same place, and hereby sentences him to suffer the penalty of reclusion perpetua and to indemnify the heirs of the deceased in the amount of P50,000.00 as compensation for the death of the victim, P100,000.00 as moral and exemplary damages and P13,000.00 as actual damages.

With costs *de officio*.

SO ORDERED.^[30]

The records of this case were originally transmitted to this Court on appeal. Pursuant to our ruling in *People v. Mateo*,^[31] we endorsed the case and its records to the CA for appropriate action and disposition.^[32]

The CA, in a decision dated March 10, 2006, affirmed the RTC decision *in toto*.

In his brief,^[33] the appellant argues that the RTC erred -

- 1. in convicting him of the crime of murder; and**
- 2. in imposing upon him the penalty of *reclusion perpetua*.**

THE COURT'S RULING

We resolve to deny the appeal but we modify the penalty imposed and the amount of the awarded indemnities.

Sufficiency of Prosecution Evidence

An established rule in appellate review is that the trial court's factual findings, including its assessment of the credibility of the witnesses and the probative weight of their testimonies, as well as the conclusions drawn from the factual findings, are accorded respect, if not conclusive effect. These actual findings and conclusions assume greater weight if they are affirmed by the CA. Despite the enhanced persuasive effect of the initial RTC factual ruling and the results of the CA's appellate factual review, we nevertheless fully scrutinized the records of this case as the penalty of *reclusion perpetua* that the lower courts imposed on the accused demands no less than this kind of scrutiny.^[34]

A striking feature of this case is that the appellant **did not deny** that he stabbed Danilo. He expressly made this admission in his testimony of January 18, 1995:

ATTY. ROMIE V. BRAGA:

Q: In your direct-examination, you admitted having **stabbed** the deceased Danilo Camba, will you tell the Court where was that knife which **you used in stabbing Danilo Camba**?

CLEMENTE CASTA:

A: I left it in the sea, sir.

Q: You mean you threw it into the sea?

A: Yes, sir.

Q: Will you tell the Court why you threw the knife which you **used in stabbing Danilo Camba** into the sea?

A: Because I rode in a motor boat and then I threw it into the sea, sir.

Q: And will you tell the Court why you threw or drop it into the sea?

A: Because I was confused, sir.

Q: Now will you tell us what time was it more or less when you **stabbed** Danilo Camba?

A: I do not know the time, sir.

Q: But it was in the afternoon of August 20, 1989, is that correct?

A: Yes, sir. x x x^[35] [Emphasis ours]

This in-court admission confirms the separate admission he made at the Bolinao police station on August 22, 1989 in the presence of counsel, Atty. Antonio V. Tiong.