

THIRD DIVISION

[G. R. NO. 160858, February 28, 2006]

**ROLITO RABANAL, PETITIONER, VS. PEOPLE OF THE
PHILIPPINES AND HON. COURT OF APPEALS, RESPONDENTS.**

D E C I S I O N

TINGA, J.:

Before us is a petition for certiorari under Rule 45 of the Rules of Court filed by Rolito Rabanal (petitioner) impugning the (1) Decision^[1] of the Court of Appeals dated 31 March 2003 in CA-G.R. CR No. 14772, affirming the Decision^[2] of the Regional Trial Court (RTC) of Quezon City, Branch 97 convicting petitioner of homicide and (2) its Resolution^[3] dated 11 November 2003 denying his motion for reconsideration.

In Criminal Case No. Q-48913, petitioner, along with Salvador Impistan alias "Ador" and Eloy Labatique (Eloy) were charged with homicide in an Information which reads:

That on or about the 16th day of November, [sic] 1986, in Quezon City, Philippines, and within the jurisdiction of this Honorable Court, the above-named accused conspiring together, confederating with [and] mutually helping each other, with intent to kill, with evident premeditation and treachery, and without any justifiable cause, did then and there willfully, unlawfully and feloniously attack, assault and employ personal violence upon the person of FELIPE SALES Y NACHOR by then and there stab[b]ing him with a bladed weapon hitting the victim on different parts of his body thereby inflicting upon him serious and mortal wou[n]ds which were the direct and immediate cause of his death, to the damage and prejudice of the [heirs] of the said FELIPE SALES Y NACHOR in such amount as may be awarded under the provisions of the Civil Code.

CONTRARY TO LAW.^[4]

Eloy remained at large. On arraignment, Ador and petitioner pleaded not guilty. Trial on the merits ensued.

As culled from the testimony of the lone eyewitness Dionisio Javier (Javier) and the medico-legal report, the evidence of the prosecution established the following facts:

In the evening of 16 November 1986, Javier was watching a card game of pusoy inside the chapel in Seminary Road, Sitio Maligaya, Quezon City when Ador and Eloy arrived. Ador reportedly uttered, "*Kung sino ang matapang dito, ako lang ang harapin, kung sino ang manggugulo, ako lang ang harapin.*" Thereafter, the duo left.

Johnny Sibayan (Mang Johnny), the Barangay Tanod, came and asked the children to leave, after which he followed suit.

Ador and Eloy returned to the chapel. Ador suddenly boxed Javier on the right side of his head, causing the latter to move backward. When Javier asked "*Bakit?*" Eloy collared him and dragged him to a corner of the chapel's room. Eloy punched him again on the head and at the back while Javier was cowering to cover his face. At that instance, Mang Johnny came back and tried to pacify the assailant by saying, "*Tama na yan, tama na yan.*" Mang Johnny subsequently ordered Javier to leave.

Instead of leaving, Javier went out to look for a stone to hurl back at Ador. However, Javier failed to find one; he instead stood beside the door. Peeping through a window, Javier saw the victim Felipe Sales putting his right foot over a chair while holding on to iron railings.

Suddenly, Javier saw petitioner appear from the back of the chapel. Petitioner leaned against the wall and pulled out a knife measuring seven (7) inches in length. He stabbed the victim with an upward thrust at his right armpit. Javier also saw Ador stab the victim near the chest, after which the latter groaned, "*Aray.*" The victim retaliated with a blow to Ador, who simultaneously stabbed him at the front side of his body near the chest. Eloy entered the scene and likewise stabbed the victim. Javier saw Ador stab the victim several times until he fell down. Ador continued stabbing the victim several times at the back while he was lying flat on the floor.

At this moment, Javier ran away. On his way home, he met one of his friends and told him about the incident.

Dr. Florante Mendoza was on duty at the Quezon City General Hospital on 16 November 1986. He examined a patient named Felipe Sales who was declared dead on arrival. He testified that the victim suffered several stab wounds on the left upper arm, in the forearm, and at the back, which "possibly" caused his death.^[5]

Dr. Desiderio Moraleda, on the other hand, testified that as per autopsy result, the cause of the victim's death was "cardio arrest due to respiratory shock and hemorrhage secondary to multiple stab wounds." The wounds totaled twenty-six (26), twenty-three (23) of which were located in the dorsal side, chest, forearm and back. He said that there was no wound at the right armpit. Based on his examination of the wounds, he opined that the assailants had been in motion, although he also said that it was possible that there could have been only one assailant.^[6]

The evidence for the defense consists of the testimonies of Raymundo Buenaventura (Raymundo) and petitioner himself.

Raymundo was inside the chapel when he saw Ador and Eloy stab the victim several times. After the assailants left, the victim was brought to the hospital in a tricycle. He belied the testimony of witness Javier that petitioner was the first to stab the victim. According to Raymundo, petitioner was not present at the scene of the crime.

Petitioner testified on his behalf. He claimed that he was then working at the Quezon City General Hospital on 16 November 1986 from 7:00 a.m. to 4:00 p.m. He went to the wake in the chapel after work. After being informed by Mang Johnny and Raymundo of the stabbing incident, he went home to avoid trouble. He denied stabbing the victim and further denied having known the victim prior to 16 November 1986.

The case against Ador was dismissed on demurrer to evidence. However, petitioner was eventually convicted of homicide in a Decision^[7] dated 12 January 1993.

The trial court gave credence to the testimony of the prosecution witness, despite some apparent inconsistencies on his part. The RTC opined that the prosecution was able to overcome the presumption of innocence of petitioner. The trial court sentenced petitioner to a penalty of imprisonment with a minimum term of ten (10) years and four (4) months and one (1) day to fifteen (15) years and ordered him to indemnify the heirs of the victim in the amount of P30,000.00.^[8]

Petitioner appealed his conviction to the Court of Appeals. In his Brief, he capitalized on the inconsistency of Javier's testimony relative to the physical evidence as shown by the medical and autopsy findings to exculpate himself from criminal liability. Petitioner claimed that he could not be faulted for the death of the victim in the absence of credible proof of injury he caused to the victim.^[9]

The appellate court dismissed petitioner's contention by holding that "[t]he location of the stab wounds at the cadaver is inconsequential in a homicidal attack. As long as the intent to kill is present, the requirement of the law for conviction is satisfied."^[10] The Court of Appeals gave full faith to the positive identification by the lone witness Javier of petitioner as the assailant in sustaining the latter's conviction.^[11]

In a Decision dated 31 March 2003, the appellate court affirmed the trial court's judgment of conviction with a clarification of the nomenclature of the penalty pertaining to the minimum and maximum terms of the indeterminate sentence, thus: ten (10) years and four (4) months and one (1) day of *prision mayor*, as minimum, to fifteen (15) years of *reclusion temporal*, as maximum.^[12]

Petitioner moved for reconsideration, but his motion was denied in a Resolution dated 11 November 2003. The Court of Appeals remained steadfast in its original action for conviction, thus:

Even assuming, *ex argumenti*, that the witness' account of the location of the stab wound is disputatious, it will not warrant a reversal of Our ruling in light of the positive, categorical and consistent identification of appellant as the assailant.^[13]

Aggrieved, petitioner interposed the instant petition anchored on the primordial issue of whether or not the guilt of petitioner was proven beyond reasonable doubt for the crime charged.^[14]

It is a well-entrenched rule that the findings of fact of the trial court and its conclusions based on the said findings are accorded by this Court high respect, if not conclusive effect, especially when affirmed by the Court of Appeals. This is because

of the unique advantage of the trial court of having been able to observe, at close range, the demeanor and behavior of the witnesses as they testify.^[15]

Our jurisdiction in cases brought to us from the Court of Appeals is limited to the review and revision of errors of law allegedly committed by the appellate court, as its findings of fact are deemed conclusive. We are not duty-bound to analyze and weigh all over again the evidence already considered in the proceedings below. However, such rule is not without exceptions.^[16] Such findings may be reviewed if there appears in the record some fact or circumstance of weight which the lower court may have overlooked, misunderstood or misappreciated, and which, if properly considered, would alter the result of the case.^[17] Where, as in this case, the weight and sufficiency of evidence is crucial to the question of innocence or guilt of petitioner, a thorough reevaluation of the evidentiary basis for conviction is imperative.

The prosecution relied heavily on the testimony of its lone eyewitness to establish the participation of petitioner in the crime. Javier positively identified petitioner as one of those who stabbed the victim inside the chapel. In fact, the rulings of the lower courts rest primarily on his testimony to warrant petitioner's conviction. Thus, it becomes evident that Javier's testimony is pivotal in the determination of the guilt of petitioner.

Although the well-entrenched rule is that the testimony of a single witness is sufficient on which to anchor a judgment of conviction, it is required that such testimony must be credible and reliable.^[18]

We shall now examine Javier's version of the stabbing incident. In his earlier statement made before the police taken on 17 November 1986, he made the following declaration:

T: Isalaysay mo nga ang buong pangyayari?

S: Ganito po iyon, ng gabing [sic] ay nagpunta ako sa kapilya dahil nga may na aburo [sic] na patay, inabutan ko doon sina FELIPE, DELFIN at maraming tao na nanood din ng sugal. Habang magkakatabi [sic] kami nina FELIPE at DIONISIO ay dumating si ADOR na kasama si BOY BUWING at isa pa na hindi ko kilala. Bigla akong sinuntok ni ADOR sa mukha tapos niyan ay hinila ako sa aking t-s[h]irt ng kasama nila at nilayo, buti na lang at naawat ni JOHNNY kaya hindi na ako nasaktan. Lalabas sana ako ng kapilya pero nakita ko na sinaksak ni BOY BUWING si FELIPE, tapos niyon ay sinaksak din siya ni ADOR, hinawakan pa ni ADOR si FELIPE sa damit at pinagsasaksak [sic] sa katawan. Ang ginawa naman nina BOY BUWING at ng kasama nila ay pinagsasaksak din si FELIPE. Tumakbong palabas ng kapilya si FELIPE pero sinundan nina ADOR, BOY BUWING at ng kasama xxx nila. Nakahiga na sa lupa si FELIPE at sinusaksak [sic] pa nila. Nagtakbuhan na sina ADOR, BOY BUWING at kasama niya, si FELIPE naman ay dinala na sa hospital.^[19]

Javier made these statements while the events were still fresh on his mind. It can thus be inferred that there were three people who allegedly attacked the victim, namely, Boy Buwing (petitioner), Ador, and one other person whose identity was not

known to the witness at that time. Javier also stated that the trio arrived together at the chapel.

On direct examination, or two months after the incident, Javier gave the following answers to the questions propounded by the private prosecutor:

Q- Now do you recall of [sic] any unusual incident that happened on that prcised [sic] date and time?

A- There was.

Q- And will you please relate to this Court what that incident was all about?

A- Yes sir.

Q- Kindly relate please?

A- Yes sir.

x x x x

A- Then, Ador and Roy Labatique arrived.

Q- And what happened after [sic] arrival of these two?

A- Ador told everyone present that if there is someone who will make trouble.

x x x x

A- "Sabi po nila, kung sino ang matapang dito ako lang ang harapin, kung sino ang manggugulo, ako lang ang harapin."

x x x x

Q- And after those words being uttered at by Ador, what happened next, if you remember?

A- After they uttered those words, they left.

Q- And after having left the place if they left as you said, what happened next?

A- The Barangay Tanod, Mang Johnny came.

x x x x

A- Mang Johnny told the children to get out.

x x x x

A- After he asked the children to leave, he also left.

x x x x

Q- After that, what happened?

A- Then, Ador and Elloy suddenly arrived.

Q- Where were you positioned at when these Ador and Elloy arrived at the chapel?