

SECOND DIVISION

[G.R. No. 133440, June 07, 2004]

**PEOPLE OF THE PHILIPPINES, APPELLEE, VS. VIRGILIO
REFORMA Y PEDRIGAL, APPELLANT.**

DECISION

CALLEJO, SR., J.:

This is an appeal from the Decision^[1] of the Regional Trial Court of Quezon City, Branch 99, convicting the appellant of murder and sentencing him to suffer *reclusion perpetua*.

The Facts

Zenaida Damian-Pondibida and her brothers, Nazario, Rolando and Jaime, all surnamed Damian, Roger Ramos and the appellant had stalls in the Balintawak market, Cloverleaf Compound, Balintawak, Quezon City. Their respective stalls were near each other. The appellant was the brother-in-law of the Damians, being married to their sister, Rosenda.

At 10:00 p.m. on February 9, 1993, Roger slept side by side with Nazario in the latter's stall. Zenaida, Rolando and Jaime were also in their separate stalls. At about 11:00 p.m., Roger was awakened by a commotion. Nazario and the appellant were quarreling. Roger was aghast when he saw the appellant, who was only about four arms' length away from the stall, stab Nazario on the left side of the chest. Zenaida, who was barely an arms' length away, also saw the appellant as he stabbed Nazario on the chest. When they saw the stabbing, Rolando and Jaime rushed to the scene. Rolando wrestled with the appellant for the possession of the bolo and managed to wrest it away from the latter. The appellant fled from the scene. Rolando, Jaime, Roger and Zenaida then brought Nazario to the Quezon City General Hospital where the latter expired. Zenaida and Roger gave their respective sworn statements^[2] to PO3 Carlito Canlas on February 11, 1993, relating to the stabbing incident.

Dr. Florante F. Baltazar performed an autopsy on the cadaver of Nazario and signed Medico-Legal Report No. M-0237-93 which contained the following findings:

Fairly developed, fairly nourished male cadaver in rigor mortis with post-mortem lividity over the dependent portions of the body. Conjunctivae and lips were pale. Nail beds were cyanotic. There was a surgical incision at the anterior distal 3rd left forearm.

EXTERNAL INJURIES: TRUNK AND EXTREMITIES:

(1) Penetrating stab wound, anterior left thorax, 120 cms. from heel, 7 cms. from anterior midline, measuring 10 cms. x 4 cms. x 7 cms. depth,

directed upwards, backwards, towards midline, fracturing the 4th left thoracic cartilage, piercing the pericardium and right ventricle of the heart.

(2) Incised wound, anterior left lower thorax, measuring 5.5 cms. x 0.2 cm. x 2 cms. from anterior midline.

(3) Incised wound, posterior left scapular region, measuring 3 cms. x 0.5 cm. (sic) 8 cms. from posterior midline.

(4) Incised wound, posterior right scapular region, measuring 6.5 cms. x 0.2 cm. (sic) 5 cms. from posterior midline.

(5) Multiple abrasions, right elbow, measuring 5 cms. x 5 cms.

(6) Incised wound, anterior distal 3rd right thigh extending to right knee, measuring 17 cms. x 0.6 cm.

INTERNAL FINDINGS:

(1) Recovered from the left thorax, 1,500 cc of blood and blood clots.

(2) Recovered from the stomach 1/4 glass of rice meal.

CONCLUSION:

Cause of death is penetrating stab wound, anterior left thorax.^[3]

Dr. Baltazar also signed the victim's certificate of death.^[4]

On February 12, 1993, an Information was filed in the Regional Trial Court of Quezon City, charging the appellant with murder. The accusatory portion reads:

That on or about the 9th day of February 1993, in Quezon City, Philippines, the above-named accused, did then and there, willfully, unlawfully and feloniously with intent to kill, with treachery, taking advantage of superior strength and evident premeditation, attack, assault and employ personal violence upon the person of NAZARIO DAMIAN, by then and there stabbing the latter with a bladed weapon (*gulok*), hitting him on the left side of his breast (sic), thereby inflicting upon him serious and mortal wounds which was the direct and immediate cause of his death, to the damage and prejudice of the heirs of said Nazario Damian.

^[5]

The appellant was arraigned on March 10, 1993, assisted by counsel *de parte*, and entered a plea of not guilty.

The Defense of the Appellant

The appellant denied stabbing Nazario. He testified that at about 11:00 p.m. on February 9, 1993, his brothers-in-law, Rolando, Nazario and Jaime, all surnamed Damian, were having a drinking spree. He was in his stall at that time. After a while,

his brothers-in-law invited him to join them in their drinking spree, but upon seeing that they were already drunk, the appellant refused. Rolando, Nazario and Jaime resented this rejection, and forthwith mauled the appellant, hitting him with hard objects. He lost consciousness. After about ten minutes, the appellant came to and found himself in the stall of Dioscoro Balingit. Momentarily, a policeman arrived, handcuffed him and brought him to the La Loma police station. A doctor at the Philippine Orthopedic Hospital examined his wounds and issued a Temporary Medical Certificate thereon.^[6]

The appellant also testified that Rolando, Nazario and Jaime sold a coconut land in Quezon City to him for P30,000.00. There was, however, no document executed between them to serve as evidence of the sale. Furthermore, the Damian brothers took back the property and failed to refund him of his P30,000.00.

On February 14, 1993, the appellant filed a criminal complaint^[7] against Rolando and Jaime Damian in the Office of the City Prosecutor of Quezon City. He executed a sworn statement^[8] in support thereof. Dioscoro Balingit also executed a sworn statement^[9] to support the said complaint.

Dioscoro Balingit testified that he worked for the appellant as a helper for P150.00 a week. In the evening of February 9, 1993, he and the appellant were arranging the bananas which the latter sold for a living. A heated altercation ensued between the appellant and Rolando Damian concerning their stalls. Rolando threw a bottle at the appellant, but the latter managed to evade the bottle. Jaime and Nazario then arrived and helped Rolando maul the appellant. They hit the latter with a lead pipe and a folding bed. Dioscoro then helped the appellant to walk to his stall. Rolando then got a knife and stabbed him on the left thigh. Rolando stabbed him a second time, but as he was able to evade the blow, Nazario was hit on the chest instead. Rolando withdrew the knife, threw it away and fled. Jaime brought Nazario to the hospital. Dioscoro Balingit later executed a sworn statement^[10] at the La Loma police station.

On August 27, 1997, the trial court rendered judgment convicting the accused of murder. The decretal portion of the decision reads:

WHEREFORE, premises considered, this Court finds accused VIRGILIO REFORMA y PEDRIGAL, GUILTY beyond reasonable doubt of the crime of MURDER penalized under Article 248 of the Revised Penal Code, without any mitigating or aggravating circumstances, and hereby sentences said accused to suffer the penalty of imprisonment of *reclusion perpetua* and to pay the heirs of the deceased victim damages in the amount of FIFTY THOUSAND PESOS (PHP50,000.00) (People vs. Jose Adriano y Vargas, G.R. No. 104578, 06 September 1993).

It is understood that accused shall be credited in full of his preventive imprisonment.^[11]

The appellant now assails the decision, contending that:

THE LOWER COURT GRAVELY ERRED IN GIVING FULL CREDENCE TO THE EVIDENCE OF THE PROSECUTION.

II

THE LOWER COURT GRAVELY ERRED IN DISREGARDING THE EVIDENCE FOR THE DEFENSE.

III

THE LOWER COURT GRAVELY ERRED IN CONVICTING THE ACCUSED FOR THE OFFENSE CHARGED.^[12]

The appellant asserts that the trial court erred in giving credence and full probative weight to the testimonies of Zenaida and Roger and in disbelieving his testimony and that of Balingit. He avers that the inconsistencies between his testimony and that of Balingit are trivial and did not render the same incredible and barren of probative weight. He contends that the trial court erred in not finding that the victim was stabbed by his brother, Rolando, and not by him. The appellant further asserts that, as shown by his injuries, he was the victim of the vicious assault by Rolando, Nazario and Jaime.

The appeal of the appellant has no merit.

In denying having stabbed and killed the victim, the appellant thereby assails the credibility of Zenaida and Roger and the credibility and probative weight of their testimonies. However, the trial court gave credence and full probative weight to the testimonies of the said witnesses. It declared that "the testimonies of the prosecution's witnesses are clear, positive, straightforward and devoid of signs of artificiality. No ill motive could be ascribed to them, even by herein accused Reforma, to falsely incriminate the accused."^[13] The well-established rule is that, the trial court's calibration and assessment of the credibility of the witnesses and the probative weight of their testimonies, as well as its findings, are accorded high respect, if not conclusive effect, by the appellate court because of the unique advantage of the trial court of observing and monitoring at close range the demeanor and deportment of the witnesses as they testify.^[14] Although there are exceptions, we find no justification, after our review of the records, to deviate from the findings of the trial court and its assessment of the credibility and probative weight of the testimonies of the prosecution's witnesses.

Zenaida testified how the appellant stabbed her brother with a bolo (*gulok*) on the chest. She was only four arms' length away from the place of the stabbing:

Q On February 9, 1993, in the evening, do you recall where you were?

A I was in our stall, Sir.

Q When you say "puwesto" (stall), you were at Cloverleaf Market, Balintawak, Quezon City?

A Yes, Sir.

Q At about 11:00 o'clock in the evening, on that same day, do you recall any unusual incident that happened?

A Yes, Sir.

Q What was that incident about?

A My brother was killed, Sir.

Q And who was this brother of yours?

A Nazario Damian, Sir.

Q You said your brother was killed, who killed your brother?

A Virgilio Reforma, Sir.

(Witness is pointing to a person wearing a white t-shirt whom when asked answered to the name Virgilio Reforma)

Q Why do you know Virgilio Reforma?

A He is the husband of my sister, Sir.

Q What is the name of your sister who is the wife of the accused?

A Rosenda Damian, Sir.

Q How did Virgilio Reforma kill your brother?

A The accused went to the place of my brother and he stabbed him.

Q When you say your brother, you are referring to Nazario Damian?

A Yes, Sir.

Q Was your brother hit?

A Yes, Sir. (Witness is pointing to her left [sic] chest).

Q What weapon did the accused use in stabbing your brother?

A (Witness is showing a measurement of 18 inches bladed weapon in the form of a small "gulok").

Q When you saw the accused stabbed (sic) your brother, how far were you?

A Three (3) arms' length.

Q After your brother was stabbed, what did he do, if any?

A They grappled for the possession of the weapon while the same was implanted on my brother's breast (sic), he fell down.