

THIRD DIVISION

[G.R. No. 134121, March 06, 2003]

**PEOPLE OF THE PHILIPPINES, PLAINTIFF-APPELLEE, VS. EDWIN
ALCODIA Y SIMON, ACCUSED-APPELLANT.**

D E C I S I O N

SANDOVAL-GUTIERREZ, J.:

Death, like a thief in the night, strikes at the most unexpected time. Ryan Feria, a 17-year old engineering student of the University of Baguio, was bound for home at San Felipe, Zambales when he boarded Victory Liner Bus No. 729 on October 3, 1996. It was to be his last journey.

Assailed in this appeal is the Decision^[1] dated January 20, 1998 of the Regional Trial Court (RTC), Branch 65, Tarlac, Tarlac in Criminal Case No. 9396 finding accused-appellant Edwin Alcodia guilty beyond reasonable doubt of the crime of murder and sentencing him to suffer the penalty of *reclusion perpetua* and to indemnify the heirs of deceased Feria the amount of ₱50,000.00 as moral damages, ₱119,700.00 as actual damages, ₱25,000.00 as exemplary damages and costs.

In the Information^[2] dated November 5, 1996, accused-appellant was charged with the crime of murder committed as follows:

“That on or about October 3, 1996 at around 10:15 in the morning, in the Municipality of Tarlac, Province of Tarlac, Philippines and within the jurisdiction of this Honorable Court, the said accused did then and there, **with malice aforethought** and with deliberate intent to take the life of Ryan V. Feria, willfully, unlawfully and feloniously, **suddenly unexpectedly and treacherously** attack the latter with a knife (balisong 29) wounding him several times on his chest and was brought to the Tarlac Provincial Hospital, Tarlac, Tarlac, for treatment but later on pronounced dead by the hospital authorities.

“CONTRARY TO LAW.”

Upon arraignment, accused-appellant pleaded not guilty.^[3] Thereafter, trial on the merits ensued. The prosecution presented as its witnesses Arnold Salvador, Dominador Sarmiento, Dr. Benjamin Fabie, Esminda Feria and SPO2 Reynaldo Jarabejo. Accused-appellant, alone, took the witness stand for the defense.

Salvador testified that on October 3, 1996, at around 10:15 o'clock in the morning, he was selling *chicharon* inside Victory Liner Bus No. 729, then parked at the Siesta Bus Stop, San Roque, Tarlac, Tarlac.^[4] Within his view was accused-appellant who was seated at the 4th row of the bus.^[5] He tarried while waiting for the other passengers to board the vehicle. Thereupon, he noticed Feria boarding the bus.

While Feria was still at the first rung of the bus' doorsteps, he suddenly stood up, held Feria's neck and stabbed him three (3) times with a *balisong*.^[6] Feria managed to get off the bus and ran towards the parking space where he fell down.^[7] Accused-appellant chased Feria but Sarmiento, a security guard, stopped him, ordered him to raise his hand and took the *balisong*.^[8]

Sarmiento corroborated Salvador's testimony. He recounted that on the said date and time, he was making rounds at the Siesta Victory Liner Terminal.^[9] He posted himself three (3) meters away from Bus No. 729 to inform the passengers that it would be leaving soon.^[10] He then saw accused-appellant. The latter approached Feria and stabbed him.^[11] Feria fell from the bus when accused-appellant released him. Somehow Feria was able to run a few meters away from accused-appellant but he collapsed on the concrete pavement. When he (Sarmiento) saw accused-appellant chasing the victim, he blocked his path.^[12] While aiming his gun at accused-appellant, Sarmiento ordered him to raise his hand and thereafter took the *balisong* from him. He gave the *balisong* to SPO2 Jarabejo who brought accused-appellant to the police station for investigation.^[13]

SPO2 Jarabejo testified that on October 3, 1996, at around 10:15 o'clock in the morning, he was directing traffic at San Roque Junction, Tarlac, Tarlac.^[14] A tricycle driver informed him that there was a commotion at the Victory Liner Terminal, prompting him to rush to the place.^[15] When he reached the terminal, Sarmiento turned over to him accused-appellant as well as the *balisong* he used.^[16] Jarabejo brought accused-appellant to the Police Station.^[17]

Feria was rushed to the Tarlac Provincial Hospital. Dr. Fabie, a resident pathologist of the Tarlac Provincial Hospital, testified that he performed an autopsy on Feria's cadaver. His Autopsy Report shows that the victim sustained three (3) stab wounds on the chest and left shoulder, thus:

- "1. 3 ½ x 2 cms. (stab wound) at the supra aspect of glenoid left shoulder (non-penetrating wound);
2. 3 x 2 ½ cms, 3 cms. (stab wound) below stab wound No. 1;
3. 3 x 2 cms. (stab wound) left side of the sternum second intercostal space."

Dr. Fabie affirmed the Medico-Legal Certificate dated October 4, 1986 stating that the cause of Feria's death was "*Hypovolemic shock due to acute blood loss*" and "*cardiac tamponade resulting from stab wounds of the thorax, lungs and heart.*"

Esminda Feria testified that her son was 17 years of age and a second year Electronics and Communication Engineering student at the University of Baguio. She said she spent P119,700.00 for his hospitalization, wake and burial, including miscellaneous expenses.^[18]

Accused-appellant presented a different story. He testified that he was one of the passengers of Victory Liner Bus No. 729 on October 3, 1996.^[19] He was occupying the 2nd to the last seat of the bus, together with his live-in partner, Cristina Abad,

and her sister-in-law, Grace Abad.^[20] When the bus stopped at the Victory Liner Terminal in Tarlac, he stood up to alight from the vehicle but Feria who was from the front side of the bus approached him and attempted to stab him.^[21] He evaded the thrust and grappled with Feria for the possession of the knife. After wrestling the knife from Feria, he stabbed him. However, he could no longer remember how many times he stabbed the victim.^[22] He did not suffer any bruises or injuries.^[23] Thereafter, he alighted from the bus and surrendered himself to Sarmiento. He also surrendered the knife he used in stabbing the victim.^[24] Sarmiento turned him over, together with the knife, to SPO2 Jarabejo who arrived at the scene of the incident. The latter brought him to the Police Station but he did not give any written statement about what happened.^[25] Accused-appellant further claimed that he did not know the person whom he stabbed. He averred, however, that while boarding the bus at its terminal in Baguio City in the morning of October 3, 1996, he and the victim accidentally bumped each other. The latter stared at him with a "dagger look."^[26]

On January 20, 1998, the trial court rendered its Decision, the dispositive portion of which reads:

"WHEREFORE, this Court finds the accused Edwin Alcodia y Simon GUILTY beyond reasonable doubt of the crime of Murder as defined and penalized in Article 248 of the Revised Penal Code, as amended, and hereby sentences him to suffer a jail penalty of *Reclusion Perpetua*, with the accessory penalties of the law and to pay the heirs of Ryan Feria y Verona the amount of ₱50,000.00 as moral indemnity, to pay his heirs the amount of ₱119,700.00 as actual damages, to pay ₱25,000.00 as exemplary damages and to pay the costs.

"SO ORDERED."

In appreciating the qualifying circumstance of treachery, the RTC ratiocinated:

"The Court is convinced that Alcodia fatally stabbed Feria. But was the killing of the victim a case of murder as charged? **As shown by the evidence spread on the record, Alcodia fatally attacked Feria with a knife suddenly, unexpectedly and without any warning as the latter was boarding Bus No. 729 bound for Olongapo City. Feria then was unarmed and unaware of the evil design of accused Alcodia when the latter attacked Feria.** Accused gave the victim no chance to defend himself or repel the assault against him, considering the sudden and unexpected attack on his person, thereby ensuring its accomplishment."

Accused-appellant anchors his appeal on this assignment of error:

THE COURT A QUO GRAVELY ERRED IN RELYING SOLELY ON THE PROSECUTION'S EVIDENCE AND DISREGARDING COMPLETELY HIS TESTIMONY THAT HE WAS PREVIOUSLY ATTACKED BY THE VICTIM AND HE MERELY ACTED IN SELF-DEFENSE.^[27]

Accused-appellant invokes several Decisions of this Court sustaining self-defense. However, without expounding how these Decisions apply to his case, he concludes

that his plea of self-defense is proper, thus, he should be acquitted.

In its Appellee's Brief, the Solicitor General contends that as between the version of the prosecution and that of the defense, the former deserves more weight because *first*, the RTC found the prosecution witnesses credible, they having testified with sincerity and candor; and *second*, no ill motive was shown why the prosecution witnesses would falsely testify against accused-appellant.

The appeal is bereft of merit.

Accused-appellant's lone assignment of error borders on the matter of credibility of witnesses.

Time and again, this Court has pronounced that matters affecting credibility are best left to the trial court because of its unique opportunity of having observed that elusive and incommunicable evidence of the witness' deportment on the stand while testifying.^[28] The brazen face of the liar, the glibness of the schooled witness in reciting a lesson, or the itching over-eagerness of the swift witness, as well as the honest face of the truthful one, are alone seen by the trial judge.^[29] Thus, the appellate court will not disturb the findings of the lower court,^[30] unless there appears in the record some facts or circumstances of weight and influence which has been overlooked or the significance of which have been misinterpreted.^[31]

Upon a careful evaluation of the evidence, we find that the RTC is justified in giving full faith and credit to the testimonies of the prosecution witnesses. With marked relevance is the fact that there appears to be no motive on the part of Salvador and Sarmiento to falsely testify against accused-appellant other than their sincere desire to disclose the truth about Feria's death. As a matter of fact, accused-appellant did not even attempt to show why these two disinterested witnesses would concoct an inculpatory story against him. It must therefore be presumed that they were not moved by wicked intentions.^[32] We quote their clear and straightforward accounts of the incident. Salvador testified as follows:

"ATTY. FARINAS:

Q What particular portion of the bus were you when Ryan Feria boarded the same?

A I was at the middle of the bus.

Q And how about the accused, where was he at that time?

A He was seated at the fourth seat.

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Q What was he doing when you saw the accused?

A He was looking down.

Q After that, what did he do if he did anything?

A When Ryan Feria boarded the bus, he suddenly stood up, embraced him on the neck and stabbed him.

Q You said that accused stabbed Ryan Feria, using yourself

and myself as point of impact, please demonstrate how the accused stabbed victim Ryan Feria?

INTERPRETER:

Witness demonstrating by holding Atty. Farinas with his left hand by the neck and then stabbed him.

ATTY. FARINAS:

Q How many times?

A Three times, sir.

Q How far were you from them when Alcodia stabbed Ryan Feria?

A I was on the eighth seat of the bus.

Q After he stabbed Ryan Feria three times, what happened next, if any?

A Ryan Feria was able to run.

Q Where did he go?

A He went to the parking space and then he fell down.

Q How far from the place where Ryan Feria fell down from the place where he was stabbed by Edwin Alcodia?

A More or less 4 meters.

Q And what did Edwin Alcodia do when Ryan Feria ran away?

A He chased him.

Q Was he able to chase him?

A No more, sir.

Q Why?

A Because the security guard arrived.

Q And do you know the name of the security guard you are referring to?

A I know him by the family name Sarmiento, sir.

Q What happened when the security guard arrived?

A He ordered him to raise his hand because he was holding a knife."[33]

Sarmiento corroborated the foregoing testimony of Salvador, thus:

"ATTY. FARINAS:

Q On October 3, 1996, at 10:15 a.m., do you remember of any unusual incident that happened?

A There was a stabbing incident, sir.

Q And who were involved in that stabbing incident, if you know?

A Edwin Alcodia, sir.