

## SECOND DIVISION

[ G.R. No. 140247, October 23, 2003 ]

**ALEX ASUNCION AND ADONIS ASUNCION, PETITIONERS, VS.  
COURT OF APPEALS AND THE PEOPLE OF THE PHILIPPINES,  
RESPONDENTS.**

### D E C I S I O N

**CALLEJO, SR., J.:**

Before the Court is the petition for review on *certiorari* filed by Alex Asuncion and Adonis Asuncion, seeking to reverse and set aside the Decision<sup>[1]</sup> dated June 30, 1999 of the Court of Appeals in CA-G.R. CR No. 17138. The assailed decision affirmed the conviction of the petitioners for the felony of homicide by the Regional Trial Court of Pampanga, Branch 47.<sup>[2]</sup>

The Information filed against the petitioners reads as follows:

That on or about the 23<sup>rd</sup> day of September, 1991, in the Municipality of San Fernando, Province of Pampanga, Philippines, and within the jurisdiction of this Honorable Court, the above-named accused, ALEX ASUNCION and ADONIS ASUNCION, conspiring and confederating together and mutually helping each other, with intent to kill, did then and there wilfully, unlawfully and feloniously attack, assault and use personal violence upon one Diosefino M. Isip by hitting him on the head with a piece of stone and hitting him with a piece of wood and giving him kick blows on the different parts of his body, thereby inflicting mortal injuries upon said victim which were the direct and immediate cause of his death thereafter.

All contrary to law.<sup>[3]</sup>

The prosecution presented Reynaldo de Jesus, a bus dispatcher, Michael de Guzman, Dr. Allan Macapinlac, to prove the *corpus delicti*, and Domini Isip, on the civil liabilities of the petitioners.

At about 11:30 a.m. on September 23, 1991, Michael de Guzman, a fourteen-year-old quail eggs vendor, was at the waiting shed in front of the McDonald's Restaurant in Gapan, San Fernando, Pampanga. Michael was peddling his goods when he was called by petitioner Alex Asuncion.<sup>[4]</sup> The latter told the boy not to sell in the place anymore. Petitioner Alex twisted the boy's arm, consequently crushing the quail eggs that he was selling. Michael immediately reported the incident to his boss, the victim Diosefino M. Isip, for whom he sold the quail eggs.

Later, while Alex and his wife were on their way home, Diosefino approached the former and confronted him about the incident. Alex curtly told Diosefino, "I have no

business with you. Son of a bitch." Alex pushed Diosefino aside, and the latter stumbled to the ground. Diosefino instinctively picked up a piece of wood. The two assumed a fighting stance against each other. Just then, petitioner Adonis Asuncion, Alex's brother, arrived at the scene. Adonis instantaneously grabbed the piece of wood held by Diosefino. Finding himself outnumbered and weaponless, Diosefino decided to flee from his opponents. Alex hurled a stone at the fleeing Diosefino but missed. Alex and Adonis then pursued Diosefino, caught up with him at the CAP building, and cornered him thereat. Adonis then hit Diosefino with the piece of wood. Diosefino fell, and while he was lying prostrate on the ground, Alex picked up a stone and hit him on the head. Because of the injuries inflicted by Adonis and Alex, Diosefino died.

Alex interposed self-defense. His version of the incident is as follows: When he and his wife Marina were on their way home for lunch, Diosefino suddenly blocked their way. Diosefino confronted Alex about his destroying the quail eggs sold by Michael. Alex denied Diosefino's accusation and promised to talk to him again on the matter after lunch. Diosefino, however, refused to let Alex and his wife pass. Diosefino uttered, "*a makanyan*." Thereafter, Diosefino struck Alex with a 2"x2" piece of wood, hitting the latter on the left side of his head. Alex fell to the ground. He picked up a stone and threw it at Diosefino, but he missed. Diosefino took out a knife. Alex threw another stone at him before Diosefino could thrust his knife at the couple. Without knowing whether or not he hit Diosefino, Alex, together with his wife, ran to the police station to report the matter. Thereafter, he rushed to the hospital to seek treatment for his injuries. Marina, wife of petitioner Alex, and her sister Edna Lee corroborated his account of the incident.

Adonis did not testify in his defense nor offer any evidence in his behalf.

After due proceedings, the court rendered judgment finding Alex and Adonis guilty beyond reasonable doubt of homicide. The dispositive portion of the RTC decision reads:

Accordingly, finding accused Alex Asuncion and Adonis Asuncion guilty beyond reasonable doubt of Homicide, the Court hereby sentences both accused to suffer imprisonment ranging from seven (7) years as minimum to twelve (12) years and one (1) day as maximum and to suffer the accessory penalties provided by law.

Accused Alex Asuncion and Adonis Asuncion are likewise ordered, jointly and severally, to pay the heirs of the deceased Isip the following:

- 1) P50,000 - indemnity for the death of Isip;
- 2) P20,000 - as moral damages in favor of Domini Isip;
- 3) P13,625.55 - as actual damages re expenses incurred in favor of Domini Isip.

SO ORDERED. <sup>[5]</sup>

On appeal, the Court of Appeals rendered the assailed decision, affirming *in toto* the decision of the trial court. The appellate court gave credence to the trial court's findings on the credibility of witnesses. Like the trial court, the CA found the prosecution witnesses more credible than the defense witnesses, whose testimonies

were given scant consideration on account of their manifest partiality. The CA likewise held that the trial court correctly found the existence of conspiracy between the petitioners. The dispositive portion of the assailed CA decision reads:

WHEREFORE, foregoing premises considered, the Decision of the Court *a quo* dated 14 February 1994 is hereby AFFIRMED *in toto*.<sup>[6]</sup>

Undaunted, the petitioners now come to this Court alleging that the Court of Appeals erred in affirming the findings of the RTC that the prosecution established the petitioners' guilt beyond reasonable doubt for homicide.

The petitioners assail the trial court's and the CA's reliance on the testimony of Reynaldo de Jesus, the bus dispatcher, in establishing their guilt for the killing of Diosefino. They assert that the testimony of Michael, the fourteen-year-old quail eggs vendor and also a prosecution witness, should have been given equal credence. Michael's testimony allegedly corroborated petitioner Alex's claim that he acted in self-defense and in defense of his wife. Further, the boy's testimony refuted the existence of conspiracy, as he averred that petitioner Adonis was not present during the incident.

The petition is bereft of merit.

The sole issue raised by the petitioners touch on the credibility of witnesses. The petitioners insist that the trial court and the CA erred in giving credence and probative weight to the testimony of De Jesus. The contention of the petitioners does not hold water. The assignment of values to the testimonies of witnesses is essentially the domain of the trial court. Consequently, the trial court's assessment as to which version of the commission of the crime should be believed is entitled to great respect.<sup>[7]</sup> This is because the trial judge had the opportunity to observe the demeanor of the witnesses on the stand and thus determine who of the witnesses deserve credence.<sup>[8]</sup> The Court is convinced that there is no cogent reason to deviate from the findings of the trial court on the credibility of witnesses in this case, especially as these findings were affirmed by the appellate court.

Significantly, the petitioners failed to ascribe any ill motive on the part of De Jesus to falsely testify against them. In giving due weight to the testimony of de Jesus, the trial court declared:

Of all the witnesses presented by both sides, the Court is of the opinion that the witness, who may be considered possibly the least biased and non-partisan, or perhaps, no bias or partiality at all, is prosecution witness Reynaldo de Jesus, who is a bus dispatcher of the Victory Liner performing his task at the time of the incident at the junction of the Olongapo-Gapan road and Dolores, San Fernando, Pampanga, the situs of the incident. The Court notes that the defense witnesses are the wife of the accused Alex Asuncion, Marina Asuncion, and the sister of the latter, Edna Lee.

The credibility and impartiality of Reynaldo de Jesus has not been destroyed or his bias shown by the defense to allow this Court to exercise caution on his testimony. It is on this score that the Court is constrained to give the testimony of Reynaldo de Jesus its due weight.<sup>[9]</sup>