

FIRST DIVISION

[G.R. No. 145166, October 08, 2003]

PEOPLE OF THE PHILIPPINES, APPELLEE, VS. ALBERTO ROMERO Y BARBACINA, AND PATROCINIO ROMERO Y NEO, APPELLANTS.

D E C I S I O N

AZCUNA, J.:

Before us is an appeal from the Decision of the Regional Trial Court, Branch 171, Valenzuela City, in Criminal Case No. 226-V-98, finding appellants Alberto Romero and Patrocinio^[1] Romero guilty beyond reasonable doubt of the crime of murder.

The Information^[2] filed against appellants reads:

That on or about April 17, 1998, in Valenzuela, Metro Manila, Philippines and within the jurisdiction of this Honorable Court, the above-named accused, conspiring together and mutually helping one another, without any justifiable cause, with treachery, evident premeditation and with deliberate intent to kill, did then and there willfully, unlawfully and feloniously attack, stab and struck (sic) one ERICK TRINIDAD, thereby inflicting upon the latter serious physical injuries which cause[d] his death.

When arraigned on May 15, 1998, appellants pleaded not guilty.^[3] Trial ensued.

The Prosecution's Evidence

Eyewitness **JEFFERSON TRINIDAD**, 20 years old, a student, testified that on April 17, 1992, between 11:30 p.m. and midnight, ^[4] he was inside their house at Punturin, Valenzuela, Metro Manila, listening to the radio. Then he heard something hit the roof of their house. He went downstairs and saw his brother, Jayson, shouting at the driver of a truck to stop because he bumped the roof of their house. He joined Jayson in chasing the truck. They failed to catch up with the truck so they used a short cut. When they passed by a fair, they were joined by their friends, namely, Richard Fernandez, Allan Lining, Benjamin Valenzia and Bonifacio Valenzia. They caught up with the truck near the church in Lawang Bato, Valenzuela. They stopped the truck by standing in the middle of the road. When the truck stopped, Jefferson approached the driver, appellant Patrocinio Romero, and asked him why he ran away from his responsibility after he hit the roof of their house. Jefferson's brother, Jayson, was with him and they shouted at the driver to alight and talk with them. Patrocinio refused to go down, so Jefferson and Jayson kept on shouting at him to alight from the truck. Patrocinio then alighted from the truck carrying a lead pipe. Patrocinio ran after them, and was able to catch up with Jayson. Jefferson picked up a stone and would have thrown it at Patrocinio, but the helper of the truck, appellant Alberto Romero, suddenly approached him and stabbed him on the

left arm with a knife.^[5] Jefferson fell down. Alberto was about to stab him again, but Jefferson kicked him. Jefferson managed to run away about ten arms length from the front of the truck.^[6]

Jefferson testified that while he was running, he saw his cousin Erick Trinidad driving an owner-type jeep. Erick stopped and Jayson talked to him. Erick asked Jayson what was happening. Jayson was not able to answer because appellant Alberto Romero arrived. Alberto was running towards Jayson and Erick. Jefferson shouted to warn Erick and Jayson, but Alberto was so near them. Jayson was facing Alberto, but he was not able to speak because Alberto was fast approaching. At that time, their four companions ran away. Jefferson was about three (3) arms length away from Erick and Jayson. Then Jefferson saw Alberto stab Erick thrice at the back. Erick fell down. Thereafter, appellant Patrocinio Romero, who was beside Alberto, hit Erick with a lead pipe several times. Jefferson testified that he could not do anything because he was already injured. His brother, Jayson, ran away. The place of the incident was then illuminated by light coming from a Meralco post. ^[7]

Further, Jefferson testified that the assailants escaped. He sought help from a mobile car, which chased the assailants' truck. Jefferson was brought to the Lozada General Hospital in Malhacan, Meycauayan, Bulacan. Erick died before reaching the hospital. ^[8]

Jefferson executed a sworn statement^[9] in connection with this case. He also identified the fan knife (Exhibit "G") which was used by appellant Alberto Romero in stabbing him and Erick Trinidad. ^[10]

OFELIA SANTIAGO, a friend of the victim Erick Trinidad, testified that at midnight of April 17, 1998, she was with Erick on board an owner-type jeep, with Erick driving. When they passed by Lawang Bato, Valenzuela, they witnessed a commotion involving about three or four persons, including Erick's cousin, Jayson Trinidad. Erick stopped the jeep about three (3) to four (4) arms length away from the front of a truck. Erick alighted, while Ofelia remained on the jeep. Erick talked with Jayson Trinidad. Ofelia could see only Erick's back from her position on the jeep. She heard Jayson asking help from Erick. Thereafter, Ofelia saw someone suddenly appear and hit Erick on the head with a lead pipe. Then another person appeared and stabbed Erick at the back. Ofelia was about three (3) to four (4) arms length away from them. The place was illuminated by light coming from a Meralco post. When Erick's assailants left, Ofelia approached Erick and noticed that he was still breathing. When a car passed by, Ofelia sought help. The driver brought Erick to the Lozada Hospital at Meycauayan, Bulacan. ^[11]

In the courtroom, Ofelia Santiago pointed at the person who hit the victim with a lead pipe, and he identified himself as Patrocinio Romero. She also pointed at the person who stabbed the victim, and he identified himself as Alberto Romero. ^[12]

SPO3 MARIO CAPANGYARIHAN, a member of the Valenzuela Police Station testified that at midnight of April 17, 1998, he was assigned as the lone sentinel of Block 1 situated at Paso de Blas. He received a call by radio from his Block Commander Tony Ng that a cargo truck with Plate No. UCU 257 was involved in a vehicular accident at Lawang Bato, Valenzuela, Metro Manila, and that its driver

abandoned the owner-type jeep after hitting it. After the call, he saw said cargo truck with Plate No. UCU 257 on top of the bridge going to Balintawak, which was about 50 meters away from him. He signaled the truck to stop, but it did not stop. He ran to a checkpoint and asked a mobile car to chase the truck. The mobile car later returned with the driver of the truck and his companion, who were identified in court by SPO3 Capangyarihan as appellants Patrocinio Romero and Alberto Romero. Block Commander Tony Ng brought appellants to the headquarters. [13]

DR. MA. CRISTINA FREYRA, medico-legal officer of the Philippine National Police Crime Laboratory, EPDC Kababayan Center, Mandaluyong City, conducted the autopsy of the victim's body at the Candido Funeral Homes on April 17, 1998. She prepared an anatomical sketch^[14] of the location of the victim's injuries and an autopsy report^[15] with the following findings:

x x x x x x x x

POSTMORTEM FINDINGS:

x x x x x x x x

- 1) Abrasion, right ear, measuring 5 x 3 cm.
- 2) Contusion, right temporo-occipital region, measuring 10 x 7 cm, 10 cm from the posterior midline.
- 3) Stab wound, left scapular region, measuring 2.3 x 0.5 cm, 25 cm from the posterior midline, 144 cm from the heel, 8 cm deep, directed anteriorwards, downwards and medialwards, fracturing the left scapula.
- 4) Stab wound, left interscapular region, measuring 2.5 x 0.5 cm, 4.5 cm from the posterior midline, 125 cm from the heel, 10 cm deep, directed anteriorwards, downwards and lateralwards, piercing the lower lobe of the left lung and the left dome of the diaphragm.
- 5) Stab wound, proximal 3rd left arm, measuring 7 x 5 cm, just medial to its posterior midline, 10 cm deep, directed anteriorwards, downwards and medialwards, passing thru the 3rd left intercostal space, piercing both lobes of the left lung.
- 6) Abrasion, left elbow, measuring 10 x 4 cm, 4 cm lateral to its posterior midline.
- 7) Linear abrasion, left elbow, measuring 8.5 cm long, 3 cm medial to its posterior midline.
- 8) Abrasion, right elbow, measuring 1.1 x 0.5 cm, 7 cm medial to its posterior midline.
- 9) Area of multiple abrasions, right knee, measuring 20 x 9 cm, bisected by its anterior midline.
- 10) Area of the multiple abrasions, left knee, measuring 20 x 7 cm, bisected by its anterior midline.

There is subdural and subarachnoidal hemorrhage.

There is about 1,500 cc of blood and blood clots in the thoracic cavity. x x x

Dr. Freyra testified that the victim sustained three stab wounds at the back: (1) a stab wound at the left scapular region fracturing the left scapula; (2) a stab wound

at the left interscapular region involving the lower lobe of the left lung and the left dome of the diaphragm; and (3) a stab wound on the proximal third left arm piercing both lobes of the left lung. The victim also sustained a contusion at the temple, abrasions at the left ear, at the left and right elbows, and at the left and right knees. [16]

According to Dr. Freyra, the cause of death is "traumatic injury on the head and stab wound on the trunk," which is reflected in the death certificate^[17] which she prepared. [18]

EMILIA TRINIDAD, wife of the victim, testified that she was at their residence at the time of the stabbing incident, and was merely informed about what happened. [19] She submitted in evidence receipts^[20] totaling P156, 150, which represented the funeral, burial and other expenses incurred due to the victim's death as follows: coffin, P75,000; memorial garden lot, P26,000; rented tables and chairs, etc., P12, 875; concrete vault, P5,000; rented tables and chairs, etc., P2,450; four sows, P34,825.

The Defense's Evidence

Appellant **PATROCINIO ROMERO** (Patrocinio), 42 years old, married, denied that he and Alberto Romero conspired to assault, strike and stab Eric Trinidad on April 17, 1998 at about 12:30 a.m. at Lawang Bato, Valenzuela City. He also denied the allegation of prosecution witness Jefferson Trinidad that he struck Erick Trinidad with a lead pipe after Alberto Romero stabbed him. [21]

Patrocinio testified that he was a licensed professional driver. On April 17, 1998, he was driving a cargo truck with Plate No. UCU 257 from Punturin, Valenzuela City bound for Bicol. [22] While he was at Punturin, Valenzuela City, he heard something fall down at the rear of his truck. He stopped and went to the back of his truck to check. Suddenly three men stoned him and he was hit at the back once. The men were beside the street where they were having a drinking session at the right side of the truck. Patrocinio ran and boarded his truck and drove towards the direction of Lawang Bato, Valenzuela City. He woke up his two helpers, appellant Alberto Romero and Dandan Sambao, but they continued sleeping. Alberto was seated beside Patrocinio (at the latter's right side), while Dandan was seated at the back seat. [23]

Patrocinio testified that about ten minutes after he sped away towards Lawang Bato, an owner-type jeep blocked their way. The jeep stopped in front of his truck and he suddenly stopped about one arm length away from the jeep. There were about seven (7) passengers on board the jeep. The passengers carried bats and bladed weapons. Two of the passengers went up the stepping board and held on to the door of his side of the truck, while the driver of the jeep went up to the right side of the truck. The driver of the jeep was fat and tall, with dark brown complexion, and was one of those who on a drinking spree the first time he was stoned at Punturin, Valenzuela City. Patrocinio was not sure if the two men who went up to his side of the truck were among those who were having a drinking spree because he did not remember their faces. However, the two men were reeking of liquor at that time. They shouted, "*Baba, baba, mga putang-ina n'yo.*" Patrocinio answered that he

would not fight back. The two men pulled Patrocinio's left arm and he lost his watch. Patrocinio locked the door of the truck and the two men released him. At that time, Patrocinio's two helpers were awakened by the noise. One helper covered himself behind the seat of the truck, while the other remained seated on the truck. Meanwhile, the two men who accosted Patrocinio went in front of the truck and started stoning them. Consequently, the windshield of the truck was shattered. The subsequent stoning hit Patrocinio on the face, which made him dizzy. Patrocino maintained that he did not alight from the truck; hence, he denied the allegation of prosecution witness Jefferson Trinidad that he chased them and that he hit Eric Trinidad with a lead pipe. [24]

Patrocinio further testified that after the stoning incident at Lawang Bato, Valenzuela City, he left for the toll gate at the North Expressway to find a policeman and report the incident. At the expressway, they saw a policeman. They voluntarily went with said policeman who accompanied them to the hospital. After their injuries were treated at the hospital, they were brought to the headquarters in Valenzuela where they were detained. [25] He executed a counter-affidavit [26] in connection with the case.

Patrocinio also testified that he had the incident blottered, but he did not file a complaint against the persons who stoned him because they were already detained. [27]

Patrocinio submitted a medical certificate, [28] pictures [29] of the injuries he sustained, and pictures [30] of the shattered windshield of the truck as evidence of the stoning incident. Said medical certificate [31] dated April 23, 1998 showed that Patrocinio Romero sustained a one-centimeter lacerated wound on the left eyebrow and contusion on the "peri-orbital area left and right," requiring less than nine (9) days of medical treatment.

Appellant **ALBERTO ROMERO** (Alberto), 26 years old, single, denied that he and Patrocinio Romero conspired to assault Eric Trinidad on April 17, 1998 at Lawang Bato, Valenzuela City. He also denied that he stabbed Eric Trinidad. [32]

Alberto testified that he was one of the truck helpers of a cargo truck with Plate No. UCU 257, which was owned by Roland Enterprises. The other truck helper was Dandan Sambahon. Their truck driver was appellant Patrocinio Romero. On April 17, 1998, between midnight and 1:00 a.m., they came from a factory of junk foods in Punturin and were on their way home to Bicol. Alberto admitted that he had no personal knowledge about the incident in Punturin, Valenzuela City. He did not know that Patrocinio alighted from the truck after hearing a thud, and that several persons ran towards their truck. Said facts were only relayed to him by Patrocinio. [33]

According to Alberto, when an owner-type jeep suddenly blocked their way, he remained seated, while the other truck helper was sleeping. When the jeep stopped, the passengers alighted holding lead pipes and bladed weapons and surrounded them. Two men went up the side of Patrocinio and insisted that he should go down. The other passengers of the jeep were standing and shouting, "*Bumaba kayo diyan, mga putang-ina n'yo.*" Patrocinio told them that they had done no wrong and they would not fight. Unable to make Patrocinio go down, the two men went down the