

SECOND DIVISION

[G.R. No. 120547, January 29, 2001]

**PEOPLE OF THE PHILIPPINES, PLAINTIFF-APPELLEE, VS.
EDISON PLAZO,^[1] ACCUSED-APPELLANT.**

D E C I S I O N

QUISUMBING, J.:

On appeal is the decision^[2] dated January 16, 1995 of the Regional Trial Court of San Jose, Camarines Sur, Branch 30, convicting appellant of the crime of murder, sentencing him to suffer the penalty of *reclusion perpetua*, and to pay the heirs of the victim P50,000.00 as indemnity, P15,712.00 as actual damages, P10,000.00 as moral damages, and to pay the costs.

The facts, based on the records, are as follows:

On August 8, 1989, at around 4:00 in the afternoon, Leonor Fabula went out of her house in May-anao, Tigaon, Camarines Sur to buy sugar at a nearby store. When she reached the store, she saw appellant boxing her son Romeo Fabula and banging his head on the post of the store, while asking him why he told the police about his brother and the location of appellant's house. When Leonor sought to intervene, appellant got angry at her. She became afraid and asked for help but nobody went near them. Romeo freed himself from the hold of appellant and ran away. Appellant chased Romeo with a small bolo known locally as "gatab." Leonor shouted at appellant to stop but the latter did not heed her pleas. Appellant caught up with Romeo and stabbed him at the back causing Romeo to fall on the ground. Appellant continued to stab Romeo in the upper and lower chest area. Leonor continued shouting for help and eventually someone came to help. However, when she saw her son no longer moving, she told the people not to touch or move him because she was going to the Poblacion of Tigaon to get a policeman.

When Patrolmen Virgilio Azucena and Jose Madera arrived at the scene of the crime, they saw the fallen body of Romeo with a small bolo imbedded on his chest and the detached handle of the bolo on the ground near his body. The policemen brought the body to the Municipal Building where the Municipal Health Officer, Dr. Constancio Tam, conducted an autopsy.^[3]

On June 10, 1991, appellant was charged with the crime of murder under the following Information:^[4]

"That on or about the 8th day of August, 1989 at Barangay May-Anao, Municipality of Tigaon, Province of Camarines Sur, Philippines, and within the jurisdiction of this Honorable Court, the above-named accused, armed with a knife, with intent to kill, with treachery and evident premeditation, did then and there wilfully, unlawfully and feloniously

(sic) attack, assault and stab one Romeo Fabula directing the blow on the vital parts of his body which was the direct and immediate cause of his death, to the damage and prejudice of his heirs in such amount as maybe awarded by the Court.

Acts Contrary To Law."

On arraignment appellant, assisted by counsel *de officio*, pleaded not guilty.^[5]

During trial, the prosecution presented the following witnesses: (1) Leonor Fabula, the mother of the victim; (2) SPO1 Jose Madera and SPO4 Virgilio Azucena, both members of the Philippine National Police (PNP) of Tigaon, Camarines Sur, and (4) Dr. Constancio A. Tam, Municipal Health Officer of Tigaon, Camarines Sur.

Leonor Fabula testified that she witnessed the stabbing incident and identified appellant as the assailant of her son. She said that the police were looking for appellant's brother who had a pending case for robbery in Manila. The police asked her son where the house of appellant's brother was. Her son, who knew nothing of the case, pointed out the house to the police leading to the arrest of appellant's brother. This angered appellant who sought out and killed her son. She also testified on damages sustained as a result of her son's death.^[6]

SPO1 Jose Madera testified that he was present during the autopsy and that Dr. Tam turned over to him the bolo which was imbedded in the body of the victim. He identified the same bolo in court.^[7]

SPO4 Virgilio Azucena testified that upon the report of Leonor Fabula of the stabbing incident, he and four others immediately went to the place of the incident in May-anao, Tigaon. They found the body of the victim in the ricefield some 50 meters away from the road. The bolo was embedded in the victim's chest and the handle lying beside him.^[8]

Dr. Constancio A. Tam testified that the victim sustained four stab wounds in the left upper abdomen, right eliac part of the abdomen, upper part of the left chest, and upper part of the left back. The weapon was still embedded in the upper left abdomen when he examined the body.^[9] Dr. Tam testified that this wound was fatal since it pierced the heart. He said that the stab wounds could have been caused by a sharp-bladed, sharp-pointed instrument, locally known as "gatab".^[10]

The defense presented as its witnesses the appellant himself and his cousin, Alfredo Siso. Appellant's version is as follows:

In the afternoon of August 8, 1989, appellant was at a billiard hall in May-anao, Tigaon, serving as a spotter in a game between Celso Plazo and Alfredo Siso. The victim suddenly arrived drunk, placed a ball on top of the table, and said that he wanted to put a bet against Alfredo Siso. Insulted, Alfredo told appellant to pacify the victim. However, the victim became angry and struck appellant with a billiard stick. Alfredo and Celso helped pacify the victim who became even angrier, and then drew a bladed weapon saying he would use it on appellant. Appellant ran away followed by the victim. Appellant slipped and injured his foot and the victim caught up with him. The two grappled with the small bolo and suddenly, the bolo was

already imbedded in the chest of the victim. Appellant fled and eventually went to Manila because of the threats of relatives of the victim. Appellant's cousin, Alfredo, merely testified that after the two protagonists ran away, he already went home.^[11]

After trial, the trial court rendered its decision^[12] finding appellant guilty of the crime of murder, disposing thus -

"WHEREFORE, the accused Edison Plazo is hereby sentenced to suffer the penalty of reclusion perpetua with the inherent accessories provided by law, to indemnify the heirs of the late Romeo Fabula for the latter's death the sum of Fifty Thousand Pesos (P50,000.00); the sum of Fifteen Thousand Seven Hundred Twelve Pesos (P15,712.00) as actual damages; and the sum of Ten Thousand Pesos (P10,000.00) as moral damages, all of Philippine Currency and for the said accused to pay the costs.

The accused Edison Plazo shall be entitled to full credit of his preventive imprisonment if he agreed to abide with the rules imposed upon convicted persons, otherwise, he shall only be entitled to four-fifth (4/5) credit thereof.

SO ORDERED."

Appellant assigns the sole error that -^[13]

THE TRIAL COURT GRAVELY ERRED IN FINDING THE ACCUSED-APPELLANT GUILTY BEYOND REASONABLE DOUBT OF THE CRIME OF MURDER.

In his brief,^[14] appellant assails the credibility of the testimony of Leonor Fabula, the victim's mother, considering that (1) contrary to her testimony, the medical findings did not indicate that the victim was boxed nor his head banged on the store post; (2) her testimony that her son was stabbed dead on a ditch did not jibe with the testimony of SPO4 Azucena that the body of the victim was recovered from the ricefield; and (3) her actions after seeing her son dead and getting a policeman instead of comforting him was contrary to normal human conduct. Further, appellant claims that his testimony that he acted in self-defense was corroborated by the testimony of his cousin, Alfredo Siso. Lastly, appellant claims there was no treachery because there was no proof as to how the attack began.

For the State,^[15] the Office of the Solicitor General (OSG) contends that appellant failed to establish the elements of self-defense considering the number and location of the wounds of the deceased. Further, the testimony of defense witness Alfredo Siso should not be given credence because he did not actually witness the stabbing incident. The OSG asserts that treachery attended the killing because appellant unleashed two separate attacks on the victim, the first consisted only of fist blows, and the second consisted of the stabbing.

The issues for our consideration pertain to (1) the assessment of credibility of witnesses, (2) the existence of valid self-defense, and (3) the sufficiency of the evidence to convict appellant of the crime of murder.

Well-entrenched is the rule that findings of the trial court as to the credibility of

witnesses are accorded great weight, even finality, on appeal, unless the trial court has failed to appreciate certain facts and circumstances which, if taken into account, would materially affect the result of the case. Having had the opportunity to personally observe the witnessess' demeanor and manner of testifying, the trial judge is in a better position to pass judgment on their credibility.^[16] As observed by the trial court, "Leonor Fabula testified in a straightforward, spontaneous and frank manner."^[17] A review of the records and transcript of stenographic notes leads us to agree with that conclusion.

As to the alleged inconsistencies in Fabula's testimony, the fact that the medical findings did not indicate that the victim was boxed nor his head banged does not negate the possibility of such acts. The defense failed to question the medico-legal officer on the stand and it cannot now raise such factual matter before this court. As to the location of the body of the victim, while Leonor Fabula testified that her son was stabbed "just by the ditch of the road of May-anao,"^[18] SPO4 Azucena testified that they found the body "in the ricefield." The records show, however, that on cross-examination, SPO4 Azucena clarified that they found the body on the "embankment of the rice-field (bas-og)."^[19] Hence, there is no inconsistency between their testimonies on the matter.

The testimony of witnesses to a crime could not be expected to be error-free throughout. Different persons have different impressions and recollections of the same incident.^[20] Likewise, we find nothing extraordinary or unusual about a mother seeking help from the authorities first before rushing to help her son. As repeatedly stressed, there is no standard form of human behavioral response when one is confronted with a strange, startling, or frightful experience.^[21] Witnessing a crime is an unusual experience that elicits different reactions from the witnesses, and for which no clear-cut standard form of behavior can be drawn.^[22]

Further, while it was only the mother of the victim who testified on the events leading to the stabbing incident, we have held that the testimony of a single eyewitness is sufficient to support conviction so long as it is clear, straightforward, and found worthy of credence by the trial court.^[23] The mere fact that she is the mother of the victim does not impair her credibility. Blood relationship between a witness and victim does not, by itself, impair the credibility of the witness.^[24] On the contrary, relationship strengthens credibility, for it is unnatural for an aggrieved relative to falsely accuse someone other than the actual culprit.^[25] The earnest desire to seek justice for a dead kin is not served should the witness abandon his conscience and prudence and blame one who is innocent of the crime.^[26] More importantly, Leonor Fabula's version of the stabbing incident, that appellant repeatedly stabbed her son in the "upper and lower chest area,"^[27] is duly supported by the findings of the medico-legal officer that the victim sustained four stab wounds in the chest and abdomen area.

As to appellant's claim of self-defense, there is no evidence to support such assertion. Self-defense as a justifying circumstance must satisfy the following requirements: (1) unlawful aggression on the part of the victim; (2) reasonable necessity of the means employed to repel the aggression; and (3) lack of sufficient provocation on the part of the accused.^[28] The burden of proving by clear and