

## THIRD DIVISION

[ G.R. No. 129933, February 26, 2001 ]

**THE PEOPLE OF THE PHILIPPINES, PLAINTIFF-APPELLEE, VS.  
FEDERICO BALTAZAR Y PIMENTEL ALIAS "TODONG", ACCUSED-  
APPELLANT.**

### D E C I S I O N

**GONZAGA-REYES, J.:**

Accused-appellant Federico Baltazar y Pimentel alias "Todong" interposes the present appeal, seeking the reversal of the June 28, 1997 Decision<sup>[1]</sup> of the Regional Trial Court of Roxas City, Branch 16,<sup>[2]</sup> in Criminal Case No. C-4658, which found him guilty beyond reasonable doubt of the crime of murder.

The Information against him alleges as follows:

"That on or about November 16, 1994 at around 10:00 o'clock in the evening in sitio Hanalon, Brgy. Malagab-i, Cuartero, Capiz, Philippines and within the jurisdiction of this Honorable Court, the above-named accused, armed with a firearm of unknown caliber, with intent to kill and means of treachery, the accused having employed means, methods and form in the execution of the felony which insures its commission without risk to himself arising from any defense which the offended party might take did then and there willfully, unlawfully and feloniously attack, assault and shoot one REYNALDO GARDOSE hitting the latter on the head causing death thereafter."<sup>[3]</sup>

On March 22, 1995, appellant assisted by counsel de parte was duly arraigned and, after his plea of not guilty to the charge of murder, the court *a quo* proceeded to trial.

The facts as narrated by the witnesses of the prosecution<sup>[4]</sup> are concisely summarized in the Brief for the Appellee, submitted by the Office of the Solicitor General, to wit:

"At around 9:30 o'clock in the evening of November 16, 1994, witness Rodney Hallegado and the deceased Reynaldo Gardose went to the ricefield of Lilia Hallegado in Brgy. Malagab-i, Cuartero, Capiz to bring rice seedlings. On their way home, the two agreed to have a drink at Rodney's house. Reynaldo told Rodney that he would first drop by his house to ask for his wife's permission. Rodney then agreed to wait for him at the day care center some twenty (20) meters away from Reynaldo's house (pp. 3-7, TSN, July 13, 1995).

While Reynaldo was talking with his wife, Perla Gardose, and asking for

the latter's permission, somebody from outside their house called him. Perla got a lamp and opened the door to see who was calling her husband. She saw two persons outside. She easily identified one of them as appellant Federico Baltazar, a resident of the same barangay and whom she knew since childhood. She, however, failed to recognize the other person who was standing in the dark. She asked appellant what his purpose was, and the latter told her that he and Reynaldo had some important matters to talk about. Reynaldo then went down the house and walked with the two other men through the feeder road. Perla watched them walk away until she heard their baby cry. She went inside the house and breast-fed the baby until she almost fell asleep. A few minutes later, she heard a gunshot. She got so afraid, so she just laid down back with her baby. That evening, her husband did not return home (pp. 4-10, TSN, October 16, 1995).

Meanwhile, Rodney, who was waiting inside the day care center, saw appellant, accompanied by another man, arrived at Reynaldo's house and called Reynaldo. He later saw Reynaldo come out of the house and walk with appellant through the feeder road. Reynaldo was ahead of appellant. Suddenly, he saw appellant drew a firearm from his waist and shot Reynaldo when the latter was about to turn to his right. The latter fell down. Fearing that appellant might see him, Rodney hid at the back of the day care center and went home through the forested area (pp. 7-11, TSN, July 13, 1995).

The following morning, Perla woke up feeling that something wrong had happened. She went to the feeder road and, there, saw her husband lying face down already lifeless. She hurriedly went home, told her children that their father was already dead. On that same morning, she, accompanied by Rodney Hallegado, went to the poblacion and reported the incident to the police (pp. 11-13, TSN, October 16, 1995).

Reynaldo Gardose sustained gunshot wounds and died of massive hemorrhage (p. 39, TSN, July 15, 1995)."[5]

On the other hand, accused-appellant interposed denial and alibi as his defense. According to him and his wife, Luzviminda Baltazar, they were together in the ricefield in the afternoon of November 16, 1994. From the ricefield they went home and had supper at 6:00 o'clock in the evening. Accused-appellant stayed in the house until the following morning when at around 8:00 o'clock, a policeman and a CAFGU member arrived at their house and invited him to the poblacion for questioning. The third witness for the defense, Captain Angela Baldevieso, a forensic chemist of the PNP Crime Laboratory Services, testified that she received a request on November 21, 1994 from the officer-in-charge of the Cuartero Police Station to determine the presence of gunpowder nitrates on the cast taken from the hands of the accused-appellant. She explained that the hands of the accused-appellant were applied with melted paraffin wax which when dry, is used to determine the presence or absence of gunpowder nitrates. The test she conducted on November 21, 1994 yielded a negative result on the presence of gunpowder nitrates on the paraffin cast taken from the hands of accused-appellant.

On January 28, 1997, the trial court rendered its decision, the decretal portion of which reads:

"WHEREFORE, This Court finds the accused, FEDERICO BALTAZAR Y PIMENTEL, a.k.a. `TODONG', GUILTY BEYOND REASONABLE DOUBT OF Murder for shooting to death with treachery, Reynaldo Gardose, on the night of November 16, 1994, defined and penalized under Article 248 paragraph (i) of the Revised Penal Code, without mitigating nor other aggravating circumstances, and sentences him to suffer imprisonment of Twenty Five (25) Years of reclusion perpetua.

He is ordered to pay the heirs of Reynaldo Gardose civil damages in the sums of P540,000.00 unrealized earnings, P15,000.00 funeral expenses, as actual or compensatory damages, P50,000.00 as moral damages, P50,000.00 as death indemnity and costs of the suit."<sup>[6]</sup>

Expectedly, appellant filed a notice of appeal with the court *a quo*, which then forwarded the records of the case to us. In his appeal brief, appellant makes the following assignment of errors:

- I. THE HONORABLE TRIAL COURT COMMITTED A SERIOUS, SUBSTANTIAL AND REVERSIBLE ERROR IN THE APPREHENSION OF FACTS IN GIVING FULL CREDENCE TO THE TESTIMONY OF THE ALLEGED EYEWITNESS. THE HONORABLE TRIAL COURT DENIED THE EXISTENCE OF IMPROPER MOTIVE ON THE PART OF SAID WITNESS.
- II. THE HONORABLE TRIAL COURT COMMITTED A SERIOUS, SUBSTANTIAL AND REVERSIBLE ERROR IN HOLDING THAT THE TESTIMONY OF THE ALLEGED EYEWITNESS WAS AMPLY CORROBORATED BY THE TESTIMONY OF THE WIFE OF THE VICTIM WHEN THERE ARE MATERIAL DISCREPANCIES IN THE SUBSTANCE OF THEIR TESTIMONIES.
- III. THE HONORABLE TRIAL COURT ERRED IN HOLDING THAT THE RESULTS OF THE PARAFFIN TEST ARE NOT CONCLUSIVE OWING TO THE FACTORS ATTESTING ITS ACCURACY ALBEIT THE NON-EXISTENCE OF THESE FACTORS IN THE CASE AT BENCH (sic). THE NEGATIVE RESULTS OF THE PARAFFIN TEST SHOULD HAVE BEEN APPRECIATED AS AN AID TO SHOW THE INNOCENCE OF THE ACCUSED.<sup>[7]</sup>

Basically, accused-appellant's first and second assigned errors refer to the trial judge's assessment of the prosecution's witnesses, particularly that of eyewitness Rodney Hallegado. According to accused-appellant, the actuations of Rodney Hallegado during and after the shooting were contrary to human experience; that he was impelled by improper motive to testify falsely against accused-appellant; and that the trial court failed to note the material discrepancies between the testimonies of Rodney and that of the wife of the victim, Perla Gardose, which totally destroyed their credibility as witnesses.

The trial court gave full faith and credence to the testimony of eyewitness Rodney

Hallegado, observing in detail his demeanor, conduct and attitude on the witness stand, as follows:

"This Court observed his demeanor at the stand, the spontaneity of his answers, and his candor, and finds no reason to doubt the truth of his eyewitness account of the crime. There is nothing conflicting about his testimony that may affect his credibility. In fact his testimony was corroborated by Perla Gardose, the victim's wife, particularly that portion when the accused fetched his victim with an unidentified person that night of November 16, 1994, a few minutes before he shot him. He relived before the Court the horror of seeing his co-worker and relative shot to death by the accused, as well as his helplessness to prevent the crime. The Court finds in him the quality of an unbiased witness who came forward to simply tell what he actually saw that fateful night of November 16, 1994.

This Court believes that he was in a position and had the opportunity to identify the accused as the assailant. There are circumstances and compelling reasons to support this stand. He was just five (5) meters away from where the crime was committed. The accused and this witness are both residents of Barangay Malagab-i and have known each other for a long time. Not only that, they are related to each other. They had no grudge against each other for this witness to impute so grave a crime against the accused."<sup>[8]</sup>

As often stressed by this Court on the point of credibility of witnesses, appellate courts will not disturb the trial court's assessment of the credibility of witnesses, in the absence of proof that some fact or circumstance of substance has been overlooked, or its significance misinterpreted which, if properly appreciated would affect the disposition of the case.<sup>[9]</sup> Having heard the witnesses and observed their deportment on the stand, the trial judge is in a better position to resolve such question.<sup>[10]</sup> We have examined the records and find no reason to depart from this well-settled rule.

Accused-appellant's argument that eyewitness Rodney Hallegado's actuations during and after the shooting were contrary to human experience on account of, among others, "his indifference and helplessness to prevent the crime to be committed on his co-worker despite a showing that he saw the victim ahead of the alleged assailant," and that, "he did not even bother to find out whether his companion and friend was still alive and could still be given medical attendance but instead allowed the whole night to pass without informing the victim's wife or the authorities" fails to persuade. It is well-settled that different people react differently to a given situation or type of situation, and there is no standard form of human behavioral response where one is confronted with a strange or startling or frightful experience.<sup>[11]</sup> Witnessing a crime is an unusual experience which elicits different reactions from the witnesses and for which no clear-cut standard form of behavior can be drawn.<sup>[12]</sup> On the witness stand, Rodney Hallegado explained that the attack was so sudden that he did not get the chance to warn Gardose before the accused drew and fired his firearm.<sup>[13]</sup> He also testified that when he heard the shot he hid because of fear that accused-appellant might see him and shoot him also.<sup>[14]</sup> He added further that from the scene of the crime he went home passing through the forested area to