

THIRD DIVISION

[G.R. No. 138666, March 01, 2001]

**ISABELO* LORENZANA, PETITIONER, VS. PEOPLE OF THE
PHILIPPINES, RESPONDENT.**

DECISION

PANGANIBAN, J.:

The factual findings of a trial court, especially when affirmed by the appellate court, are binding upon this Court. Without convincing evidence of cause and effect, herein petitioner's claim that the victim's death might have been caused by an existing heart ailment cannot overturn the two courts' conclusion that the death was caused by traumatic head injuries inflicted by the accused.

The Case

Before us is a Petition for Review under Rule 45, assailing the April 7, 1998 Decision^[1] of the Court of Appeals^[2] (CA) in CA-GR CR No. 19672, which affirmed the Regional Trial Court (RTC) of Manila, Branch 48, in Crim. Case No. 93-119989.^[3]

In an Information^[4] filed on May 3, 1993, Petitioner Isabelo Lorenzana y Sison was charged with homicide allegedly committed as follows:

"That on or about the 24th day of November 1992, in the City of Manila, Philippines, the accused, with intent to kill, did then and there wilfully, feloniously and criminally attack, assault, and gun[-]whip on the right side of his head NAPOLEON NAZARETH, SR., causing him traumatic head injuries resulting [in] his death."^[5]

With the assistance of Atty. Edita Lacsamana,^[6] petitioner entered a plea of not guilty during his arraignment on June 1, 1993. Thereafter, trial on the merits ensued. In its 17-page Decision, the trial court convicted petitioner, as follows:

"WHEREFORE, in view of the foregoing, and [the] finding [that] the accused [is] guilty beyond reasonable doubt of the crime of [h]omicide, judgment is hereby rendered convicting accused Isabelo Lorenzana y Sison [of] the crime of [h]omicide.

"The Court hereby imposes upon him an indeterminate penalty of imprisonment of 6 years and 1 day of prision mayor, in its minimum period, to 14 years and 8 months of reclusion temporal in its maximum period. Accused is further directed to indemnify the heirs of the victim in the amount of P50,000.00 for damages."

On appeal,^[7] the CA affirmed the trial court in this wise:

"THE FOREGOING CONSIDERED, the appealed Decision is hereby affirmed."

In its May 21, 1998 Resolution,^[8] the appellate court denied reconsideration.

Hence, this Petition for Review.^[9]

The Facts

Petitioner Isabelo Lorenzana was a member of the towing and impounding unit of the Western Police District Traffic Bureau. Shortly after midnight on November 24, 1992, he and his colleagues were about to tow several passenger jeepneys parked along Vito Cruz, Manila. At that point, Napoleon Nazareth Jr., arrived and told them that he had overnight parking permits kept by his father, Napoleon Sr. Subsequently, the father himself arrived at the scene and showed the permits to petitioner. The circumstances after this incident, which culminated in the death of the former, were narrated by the trial court in this wise:

"Two witnesses for the prosecution, namely Reynaldo Santos and Allan Transmonte, both pedicab drivers, who were at the place of the incident waiting for passengers, testified that they saw accused [show] off the documents from the victim. And while victim was picking the documents, the accused pulled his gun from his holster and pistol whipped the victim who was hit at the right side [of the] back portion of the head, above the right ear. The victim, then, turned to face the accused, trying to embrace him and asking for his help. Instead of helping the victim, accused even pushed the victim away [and the latter] fell on the pavement trembling. When the young Nazareth [was] informed that his father was 'pinalo', he rushed outside and his father [was] already lying down while accused was already seated in the tow truck. They took his father and brought him to the Medical Center Manila Hospital but was already dead upon arrival at said hospital. Upon request of the family of the victim, the body of the victim was examined by Dr. Alberto Reyes, a medical specialist of the National Bureau of Investigation (NBI). And as per his Report (Exhibit 'D') the cause of death [was] traumatic head injuries."^[10]

Petitioner, on the other hand, vigorously contests the foregoing narration, insisting that the victim's fatal fall was due to a heart attack. In his Memorandum,^[11] he presents his version of what happened on that fateful day, as follows:

"On October 20, 1992, the Superintendent in charge of the Traffic Management Division of the Western Police District Command, Metro Manila, issued a Memorandum (Exh. "15", "15-A" and "15-B") directing the WPD Towing and Impounding Unit to enforce strictly MMA Ordinance 82-03 (Exh. "13") against the overnight parking of motorized vehicles within certain areas. The police officers were specifically ordered to conduct an active campaign against illegal parking between the hours of 10:00 p.m. [and] 5:00 am.

"It was these orders and their implementation which directed Petitioner Isabelo Lorenzana to proceed with his helpers [i]n their tow truck sometime after midnight of November 24, 1992 to Vito Cruz St.,

Singalong, Manila (TSN, Aug. 10, 1994, p. 10)

"The group encountered, among others, three passenger jeepneys along Vito Cruz., near the [corner] of A. Aquino and Taal Streets (Exh. "6", "6-A" up to "6-F"). The jeepneys were parked chained to one another (TSN, Aug. 10, 1994, p. 17.)

"While the petitioner was inspecting the parked vehicle[s], a fat man later identified as Napoleon Nazareth, Jr., arrived on board an owner-type jeep. Nazareth, Jr. shouted at the petitioner and his four companions, "May mga parking permit iyan." He then added, "Kapwa ninyo Pilipino, pinahihirapan ninyo." (TSN, Aug. 10, 1994, p. 20)

"Lorenzana told Nazareth Jr. that there was a complaint about the parked vehicles. After a while, an old man, Napoleon Nazareth, Sr., arrived, "nanginginig sa galit" at the sidewalk on the other side of the street. Vito Cruz is around fourteen (14) to fifteen (15) meters wide. Lorenzana walked over to the old man who was trembling [in] anger. Nazareth, Sr. shouted, "May mga permit iyan." He then pointed to the four helpers of Lorenzana and asked, "Ano kayo, mga squatters." (TSN, Aug. 10, 1994, pp. 18-23).

"Nazareth, Sr. showed parking permits and a sticker to Lorenzana (TSN, Nov. 29, 1994, p. 13). The old man was about 5 feet, 9 inches tall, and bigger than his son, the fat man (id. p. 20). He was about 62 years old. At this juncture, the son Nazareth, Jr. brought the jeep from the middle of the street to the side of the street, near his father.

"The petitioner and Nazareth Sr. faced each other for only a few minutes (TSN, Aug. 10, 1994, p. 25). After looking at the permits, Lorenzana asked permission to leave from the old man. He asked, 'Tatang, aalis na kami.' Lorenzana and his companions turned around and went straight to the tow truck on the other side. Suddenly, Lorenzana heard somebody shout, 'Ang matanda, bumagsak.' According to Enrico Baking, driver of the tow truck, it was their companion, Rommel, who did the shouting. At this time, Lorenzana was already seated at the front of the tow truck with the driver while the helpers were in the rear part of the tow truck. Lorenzana turned, 'Napalington po ako sa sumigaw.' He saw the old man slumped down on the pavement, lying with his face upward (TSN, November 29, 1994, pp. 20 to 27).

"Lorenzana alighted from the tow truck and called his companion to help the old man stand up. They proceeded to carry the old man (id. p. 23). The petitioner and his companion were not able to [load] Nazareth, Sr. [into] the tow truck to carry him to a hospital because Nazareth, Jr. suddenly pulled out a revolver and shouted at them, 'Dito na lang sa owner ko' (TSN, November 29, 1994, pp. 35-37).

"Officer Lorenzana told Nazareth, Jr., 'Itabi mo iyan, Tulungan mo kami sa Tatay mo.' The fat man insisted on the father being loaded [into] the son's jeep. So, they [loaded] the old man [into] the owner type jeep. The jeep sped away, 'Pasabit na umalis.' Only later did the defense witnesses

learn that the old man died (TSN, Sept. 21, 1994, pp. 19-20).

"According to Allan Transmonte, he (Allan), Nazareth, Jr. and [another man] brought Nazareth, Sr. to the Manila Doctors Hospital along United Nations Avenue. There is no dispute over the fact that the old man was declared 'dead-on-arrival' at the hospital (TSN, Aug. 3, 1994, pp. 59-60).

"There is also no dispute over the fact that Napoleon Nazareth, Sr. was a very sick man. The old man was confined at the Philippine Heart Center from December 31, 1991 up to January 6, 1992 (TSN, Aug. 3, 1994, pp. 14-20).

"The heart patient, Nazareth, Sr. had to be examined by his cardiologist regularly every month, from March, April, May up to the time of the incident because of his ailment. He had to be confined at the Our Lady of Lourdes Hospital from October 29, 1992 up to November 5, 1992. He was discharged only nineteen (19) days before his death (id. pp. 24-25).

"The exact nature of the heart condition appearing in his medical records is described by his cardiologist, Dr. Teresita Savaga, who is with the Philippine Heart Center, St. Luke's Medical Center, and Our Lady of Lourdes Hospital, as follows:

` ATTY. MAGLALANG

Q. May I approach the witness and show her the documents. In these various documents, the documents captioned, patients data sheet inside the enclosed patient, with [the] heading final diagnosis, there appear terms. Can you tell this Court in layman's language the meaning of CAD unstable angina dysfunction [--] HASHD urosimia?

A. CAD means Coronary Artery Disease, and in layman[']s term, x x x there is an obstruction in the blood vessel of the heart. Unstable angina is pain in the heart which is more or less unstable. Pain is progressing in character or frequent in occurrence and severity. The[re is a] probable severe [condition] in this unstable angina, left ventricular m[al]function, if is there is a sign of failure of the heart. HASHD is Hypertensive Arteriosclerosis Heart Disease, hyper urosimia, [in which] hyper uric acid is elevated.'

----- TSN, August 3, 1994, p. 15."

The CA Ruling

In upholding the RTC, the CA gave more credence to the testimonies of the prosecution witnesses, pointing out that witnesses, to whom no improper motive could be imputed, had positively identified petitioner as the perpetrator of the crime. The CA held that their testimonies were in accord with the Autopsy Report indicating that the victim's death was caused by traumatic head injuries. It further held that

there was no conclusive proof to substantiate petitioner's claim that the victim had suffered a heart attack when he fell down on the pavement.

Issues

In his Memorandum,^[12] petitioner presents the following issues for the consideration of the Court:

"i) Whether the court a quo erred in not resolving the doubt in favor of the accused; and

"ii) Whether the court a quo erred in giving full weight to the prosecution witnesses' testimon[ies]"

In the main, petitioner challenges the sufficiency of the prosecution's evidence.

The Court's Ruling

The Petition is devoid of merit.

Main Issue: **Sufficiency of Prosecution Evidence**

Petitioner claims that the prosecution was not able to establish his guilt beyond reasonable doubt. He relies on two principal arguments. *First*, the cause of death was heart attack, for which he could not be held responsible; and *second*, the testimonies of the prosecution witnesses were not enough to sustain his conviction.

At the outset, we must emphasize that petitioner merely raises questions of facts which, as a rule, have no place in a Petition for Review under Rule 45.^[13] After all, the factual findings of the appellate court affirming those of the trial court are generally binding on this Court. In challenging the sufficiency of the prosecution evidence, petitioner is effectively claiming an exception to this rule on the ground that the CA Decision was based on a misapprehension of facts.^[14] We do not agree.

Cause of Death

Petitioner implores the Court to consider the possibility that Napoleon Nazareth Sr. died, not because he had been pistol-whipped, but because he had suffered a heart attack. The deceased allegedly had a history of heart disease, which could have been aggravated by the altercation. Petitioner insists that this claim is not inconsistent with the Autopsy Report showing the cause of death as traumatic head injury. Considering that there is doubt as to the cause of death, petitioner resolutely argues for his acquittal.

We are not persuaded. Both the trial and the appellate courts have determined that Napoleon Sr. died of traumatic head injuries. This *factual* finding is amply supported by the evidence on record. Indeed, the Autopsy Report,^[15] which we quote below, declares in no unmistakable terms that the cause of death was traumatic head injury:

"POSTMORTEM FINDINGS