

THIRD DIVISION

[G.R. No. 120701, June 19, 2001]

**PEOPLE OF THE PHILIPPINES, PLAINTIFF-APPELLEE, VS.
JONATHAN CRISANTO Y OPIN, ACCUSED-APPELLANT.**

D E C I S I O N

SANDOVAL-GUTIERREZ, J.:

At bench is an appeal from the decision^[1] dated April 17, 1995, of the Regional Trial Court, Branch 28, Manila, finding Jonathan Crisanto, accused-appellant, guilty of the crime of murder and sentencing him to suffer the penalty of *reclusion perpetua*.

The information in this case alleges:

"The undersigned accuses **JONATHAN CRISANTO Y OPIN** of the crime of **MURDER**, committed as follows:

That on or about October 30, 1989, in the City of Manila, Philippines, the said accused, with intent to kill and with treachery and evident premeditation, did then and there willfully, unlawfully and feloniously attack, assault and use personal violence upon the person of **RODOLFO AMPUAN Y DERESMA**, by then and there stabbing him with a kitchen knife hitting him on his abdomen, thereby inflicting upon him mortal stab wounds which were the direct cause of his death immediately thereafter

CONTRARY TO LAW."^[2]

Accused Jonathan Crisanto pleaded not guilty. Whereupon, trial ensued. The prosecution presented as witnesses Patrolman David Tuazon, Dr. Marcial Cenido, Antonio Daga, Eleuterio Ajero, and Norma Ampuan.

The prosecution's version of the facts of the case, as aptly narrated by the Solicitor General in the appellee's brief, is as follows:

"At about 7:40 o'clock in the evening on October 30, 1989, prosecution eyewitnesses Antonio Daga and Eleuterio Ajero were in one of the rooms of the house of the latter located at No. 118 Sta. Fe Street, Tondo, Manila together with the victim, Rodolfo Ampuan, having a drinking session. All of a sudden, appellant, whom they knew as 'Turko', came into the room and without saying anything, stabbed Ampuan, hitting the latter on the chest. Appellant's second thrust at the victim was parried by Daga while Ajero shouted 'hoy' when he saw appellant about to stab the victim for the second time. Daga was able to wrest the knife from appellant who

thereafter ran away towards Garcia Street, Tondo. Ampuan was able to walk to his house about 15 to 20 meters away from Ajero's house. Daga turned over the knife or murder weapon to Pfc. Tamondong when the police arrived at the crime scene to conduct an investigation of the incident. Daga and Ajero came to know later that Ampuan was brought by his wife to the hospital where he died. Daga had not known appellant for a long time but was familiar with the latter's face as he saw appellant often in their place and was sure that he was the one who stabbed Ampuan. Ajero, who started living in his house where the crime happened since the year 1962, had known appellant since the latter's childhood although he did not know appellant's real name but knew him only by the name 'Turko' (t.s.n. , August 7, 1990, pp. 6-10; t.s.n., August 21, 1990, pp. 2-21; t.s.n., October 16, 1990, pp. 3-39).

Patrolman David Tuazon of the Homicide Section, Western Police District Command (WPDC), Manila, declared that on October 30, 1989 he investigated subject incident. He went to the Jose Reyes Memorial Hospital where he found the deceased Rodolfo Ampuan's body at the hospital morgue. It was identified to Tuazon by the victim's wife. Tuazon and certain Patrolman Amores later went to the crime scene or house No. 118 Sta. Fe Street, Tondo, Manila where they saw clots of blood on the floor of the house and on a wooden bench. They interviewed eyewitnesses Antonio Daga and Eleuterio Ajero. During the investigation at the police headquarters, Daga and Ajero gave their respective sworn statements and positively identified appellant as the one who stabbed the deceased ampuan (t.s.n., April 24, 1990, pp. 2-6).

Medico-Legal Officer Dr. Marcial G. Cenido of the Western Police District Command (WPDC) testified on the post-mortem findings (Exh. "D") and certificate of death (Exh. "C") of the victim and stated that the cause of death was a 'penetrating stab wound' at the chest inflicted with a bladed, pointed weapon, possibly a knife. He further declared that the deceased had no other injury in his body and that at the time the wound was inflicted at the epigastrium, the victim and the assailant were possibly facing each other in standing positions (t.s.n., August 7, 1990, pp. 2-6)."

Accused Jonathan Crisanto, Julieta Nebres and Alvirose Luzardo took the witness stand for the defense.

Accused testified that on October 30, 1989, at about 5:30 o'clock in the afternoon, he went home at 302 Coral Street, Tondo, Manila because he had a fever and was not feeling well. After taking medicine, he slept. At about 11:30 o'clock in the evening, his sister Lina awoke him because their barangay chairman and some policemen wanted to talk to him. Immediately, the policemen dragged and mauled him with the butts of their armalites, prompting him to ask them, *"Why are you doing this to me? I did not commit any offense."* They replied, *"It's none of your business."* The barangay chairman tried to pacify them. Thereafter, the policemen forced him out of the house and ordered him to board a vehicle. They then proceeded to the police station where he was locked inside a wooden cabinet.^[3]

Julieta Nebres testified that she was a friend of Lina Crisanto, accused's sister, and that they live in the same neighborhood. On October 30, 1989, at about 5:30 o'clock in the afternoon, while she and Lina were conversing in front of the latter's house, the accused arrived. At that point, she went home to cook food. When she returned to Lina's house at around 6:30 that same afternoon, she saw the accused lying down in a "*papag*" at the *ground floor* of the house. He was still there when she left the house at 8:00 o'clock in the evening.^[4]

Alvirose Luzardo, a neighbor of the accused, testified, corroborating the testimony of Julieta Nebres that in the afternoon of that day, or from 5:00 to 7:00 o'clock, the accused, being afflicted with fever, was lying on a wooden bed in his house. ^[5]

After hearing, the trial court convicted the accused and sentenced him to suffer reclusion perpetua, thus:

"**WHEREFORE**, finding the accused, Jonathan Crisanto y Opin, guilty beyond reasonable doubt of the crime of murder as charged in the information, he is hereby sentenced to suffer the penalty of reclusion perpetua as provided in Article 27 of the Revised Penal Code before it was amended by Section 21 of R.A. No. 7659. The accused shall indemnify the heirs of the late Rodolfo Ampuan in the sum of P50,000.00 and shall also reimburse the said heirs for the hospitalization of the victim, for funeral and other expenses in the total sum of P24,000.00.

The accused shall pay the costs.

SO ORDERED."^[6]

Hence, this recourse.

Appellant Jonathan Crisanto ascribes to the trial court the following errors:

"I

THE COURT A QUO GRAVELY ERRED IN FINDING THAT THE GUILT OF THE ACCUSED APPELLANT FOR THE CRIME CHARGED HAS BEEN PROVEN BEYOND REASONABLE DOUBT.

II

THE COURT A QUO GRAVELY ERRED IN FINDING THAT TREACHERY AND EVIDENT PREMEDITATION ATTENDED THE COMMISSION OF THE OFFENSE"^[7]

Appellant contends that the prosecution failed to prove his guilt beyond reasonable doubt. He cites several inconsistencies in the testimonies of the prosecution witnesses, particularly those of Daga and Ajero. He claims that the statement of Daga during the direct examination that he parried appellant's second blow upon

Rodolfo Ampuan (victim) contradicts his statement during the cross-examination that it was Ampuan himself who parried the second blow.^[8] Likewise, while Daga stated during the direct examination that there were only three persons in the room where the crime was committed, on cross-examination, he admitted that his daughter was on his lap and that his wife and other children were in the other room.^[9] Appellant also insists that the prosecution failed to prove the qualifying circumstances of evident premeditation and treachery. He argues that there is no evidence tending to prove planning and preparation in the commission of the crime.^[10] Neither was the prosecution able to establish that he consciously and deliberately adopted the mode of attack to insure execution.^[11]

For its part, the State contends that appellant's denial that he committed the crime cannot prevail over the positive declarations of the prosecution witnesses.^[12] If there were inconsistencies in the latter's testimonies, the same are only minor ones.^[13] On the defense of alibi, the State asserts that appellant failed to demonstrate that it was physically impossible for him to be present at the scene of the crime^[14] at the time it was committed.

The State likewise maintains that the attack was so sudden and unexpected, rendering *Ampuan* incapable of defending himself. ^[15]

The appeal is bereft of merit.

Well-settled is the doctrine that the question of credibility of witnesses is best left to the assessment of the trial court. As a general rule on appeal, its evaluation of the veracity and the credibility of witnesses' testimony is accorded great respect and finality in the absence of any indication that it overlooked certain facts or circumstances of weight and influence, which if reconsidered, would alter the result of the case.^[16]

After a careful review of the testimonies of the prosecution witnesses, we find no cogent and legal basis to disturb the trial court's finding upholding their credibility and disregarding the testimonies of the defense witnesses.

The two eyewitnesses for the prosecution, Ajero and Daga, who were with the victim at the time of the stabbing, positively identified appellant as the assailant. They were able to give a detailed account of the incident. Ajero, a resident of the place since 1962, testified that he has known appellant "*since he was small.*"^[17] On the other hand, Daga testified that he saw appellant's face in their place.^[18] No reason was shown by the defense why Ajero and Daga would falsely implicate appellant. Hence, their positive and categorical narration in the witness stand should be given full faith and credence. Ajero testified as follows:

"PROSECUTOR:

X X X X X X

Q: Now you said that you were drinking together with one Rodolfo Ampuan and Antonio Daga in your residence at No. 118 Santa Fe, Tondo, Manila while you were drinking

thereat, do you remember of anything unusual that happened?

A: Yes sir. There was sir.

Q: Will you tell us what is that?

A: Suddenly, there was a person who entered into my house sir.

Q: Do you know who this person was when you said who suddenly entered the place where you were drinking?

A: Yes sir.

Q: Who was that.

A: He is Turko who entered our house sir.

x x x x x x

Q: If that Turko is in court, would you be able to identify him?

A: Yes sir.

Q: Please do.

A: He is there sir. **(WITNESS POINTING TO A PERSON INSIDE THE COURTROOM WHO WHEN ASKED OF HIS NAME ANSWERED TO THE NAME JONATHAN CRISANTO).**

x x x x x x

Q: Now you said that suddenly the accused Jonathan Crisanto entered your house, particularly the place where you were drinking after he entered the house, what happened?

A: He stabbed Rodolfo Ampuan sir.

Q: When you saw that the accused Jonathan Crisanto stabbed Rodolfo Ampuan, what did you do if any?

A: I did nothing, only I screamed "hoy."

x x x x x x

Q: After Jonathan Crisanto stabbed Rodolfo ampuan, what happened next?

A: When I screamed "hoy," I saw Jonathan Crisanto attempted to stab for the second time Rodolfo Ampuan, but Antonio Daga was able to parry that second thrust sir.

Q: Could you tell this honorable Court what happened when Jonathan Crisanto made a first stab?

A: The first stab hit Rodolfo Ampuan sir. **(WITNESS POINTING TO HIS CHEST, MIDDLE OF HIS CHEST).**

COURT

What happened to Ampuan?

A: He was just seated Your Honor on the chair, then there was a struggle that was the time, he stood and went out of the house sir.

PROSECUTOR

Q: What kind of weapon did Jonathan Crisanto use in stabbing Ampuan?

A: It is about this long. **(WITNESS DEMONSTRATING A LENGTH OF ABOUT ONE FOOT).** It is a knife, Batangas knife with white handle sir.

Q: You said Antonio Daga was able to parry the second thrust of Jonathan Crisanto with the knife, then what happened?

A: Antonio Daga was able to get the knife and when he got it from Jonathan Crisanto, Jonathan Crisanto ran away sir.

Q: To what direction did he run away?

A: