

FIRST DIVISION

[G.R. No. 130769, March 13, 2000]

**PEOPLE OF THE PHILIPPINES, PLAINTIFF-APPELLEE, VS.
CHRISTOPHER GEGUIRA Y OBIA, JUANITO CARIÑO Y NALDOZA
AND RICARDO PEÑAFLOR Y SEVILLANA, ACCUSED-APPELLANTS.**

D E C I S I O N

KAPUNAN, J.:

Before us is an appeal from the Decision of the Regional Trial Court (RTC) of Quezon City, Branch 98, dated 30 May 1997, wherein accused-appellants were convicted of the crime of murder and sentenced to suffer the penalty of *reclusion perpetua* and to indemnify the heirs of their victim in the amount of Fifty Thousand Pesos (P50,000.00).

On 12 October 1993, Christopher Geguirra and Juanito Carino were charged with the crime of murder before the aforementioned RTC under Criminal Case No. Q-93-49688. The information reads:

The undersigned accuses CHRISTOPHER GEGUIRA Y OBIA, and JUANITO CARINO Y NALDOZA, of the crime of MURDER, committed as follows:

That on or about the 5th day of October 1993, in Quezon City, Philippines, the above named accused, conspiring, confederating and mutually helping with other persons, whose true names and whereabouts have not as yet been ascertained, with intent to kill and without any justifiable cause, did then and there, willfully, unlawfully and feloniously with intent to kill, qualified by evident premeditation, and treachery, assault, attack and employ personal violence upon the person of one [P]ARMINDER SIGNH, by then and there stabbing him with a bladed weapon on the chest and striking (sic) his head with a bottle of Ginebra San Miguel, thereby inflicting upon him serious and mortal wounds which were the direct and immediate cause of his death, to the damage and prejudice of the heirs of [P]ARMINDER SIGNH.

CONTRARY TO LAW.^[1]

Upon being arraigned on 23 November 1993, Geguirra and Carino, assisted by counsel *de officio*, Atty. Agustin Benzon of the Public Attorney's Office, pleaded "*not guilty*" to the offense charged.^[2]

On 10 March 1994, the third accused-appellant, Ricardo Peñaflor, was arrested by the police. Because of this development, Assistant City Prosecutor Lydia A. Navarro filed, on 15 March 1994, a Motion to Admit Amended Information with the trial court wherein Peñaflor was included as a co-accused.^[3] On the same day, the trial court

issued an order admitting the amended information.^[4] On 5 April 1994, Peñaflor, assisted likewise by Atty. Agustin Benzon, was arraigned and pleaded "not guilty" to the offense charged.^[5]

The first witness for the prosecution was Surjit Singh, an Indian national who was the uncle of the victim.^[6] This witness testified on four separate dates^[7] since the trial court, as well as both counsels for the prosecution and defense, found it difficult to understand his testimony due to the fact that he primarily communicated via the Hindi language and knows very little Filipino and English. This problem was compounded with the difficulty of finding a competent interpreter. The first time he took the witness stand, his direct testimony was discontinued because the Hindi interpreter, who was only a high school graduate, was not translating the witness's testimony properly.^[8] However, on the following scheduled date for the continuation of his direct testimony, the prosecution was already able to obtain the services of a knowledgeable Hindi interpreter who had stayed in the Philippines since 1978 and finished an English-taught master's in political science degree from the Punjab University in India.^[9]

Surjit Singh testified that he is engaged in the buy and sell business.^[10] In this line of work, he purchases shirts, pants and towels which he then sells on installment, at a premium, to his clients in their residences or places of work.^[11] On 5 October 1993, his nephew, Parminder Singh, accompanied him in collecting from six (6) of his clients in the area of Congressional Ave. corner Abra St. in Quezon City.^[12] The victim rode at the back of his motorcycle in going to the said place.^[13] His first stop between 5:00 and 6:00 o'clock in the afternoon was in a store where he was supposed to collect the payment of a certain person named Bobby.^[14] When they approached the store, he noticed that there were five (5) to six (6) persons, among them the three accused-appellants, having a drinking session in front of the store.^[15] He frequently saw this group before, drinking in the same store.^[16] When the group saw them, they all stood up and approached him and his nephew.^[17] At this point in time, his nephew was walking behind him.^[18] He was then asked by the group to join them in their drinking session.^[19] He declined^[20] and, instead, he offered to give them thirty pesos to buy more drinks.^[21] The group refused to accept the money, saying that if he cannot drink, he should let his companion drink.^[22] He said that his nephew was too young to have a drink.^[23] He then warned his nephew that something wrong might happen because the group was drunk.^[24] He told his nephew to run to save himself but the latter did not heed his advice. His nephew instead urged him that he (Surjit Singh) be the one to escape.^[25] Sensing real danger, his nephew then pulled him back to shield him, thus, exposing the victim directly in front of the group.^[26] At this juncture, Cariño drew a knife while the other two accused-appellants, Geguira and Peñaflor, held the arms of the victim.^[27] Cariño then plunged the bladed weapon into the victim, piercing the left portion of his chest.^[28] Cariño repeated the attack by stabbing the victim at the left portion of his chest.^[29] Peñaflor, on his part, hit the victim on the head with a bottle.^[30] Fearing for his life, Surjit Singh then ran towards the nearby police station^[31] located at the corner of Congressional Ave. and Epifanio de los Santos Avenue (EDSA).^[32] Upon nearing the police station. The witness looked back towards his

nephew. He saw the victim running away from his attackers and towards the police station.^[33] However, after running for about forty (40) to fifty (50) yards, the victim fell down.^[34] The victim was only five (5) to ten (10) yards away from the station when he collapsed.^[35] When the lone police officer at the outpost stepped out to investigate, the commotion was all over and the victim was already lying unconscious on the ground.^[36] Surjit Singh boarded his nephew on a passing jeepney and brought him to the emergency room of the Quezon City General Hospital.^[37] Unfortunately, the victim died a few hours later due to the gravity of his wounds.^[38] In the afternoon of 6 October 1993, the witness went to the police station to report the death of the victim.^[39] While in the station, he saw that Geguira was already apprehended by the police.^[40] He then executed a statement before the police. Thereafter, he went to the Quezon City Prosecutor's Office where he had the statement sworn to.^[41]

The second and last witness for the prosecution was Dr. Ludovino Lagat, a medico-legal Officer of the National Bureau of Investigation.^[42] He testified that he autopsied the cadaver of the victim on 6 October 1993 at around 2:30 p.m. at Rey's Funeral Parlor.^[43] He noted that the victim suffered two fatal stab wounds^[44] on the left portion of the chest, both of which punctured the heart.^[45] The entry point of one of the stab wounds measured 2.0 centimeters while the other measured 2.5 centimeters. He also noted that the victim had an incise wound on his left wrist.^[46] In this regard, he issued an autopsy report which reads:

POSTMORTEM FINDINGS

Pallor, generalized.

Incision, 17.0 cms., anterior chest wall, left side, transverse; 2.0 cms., anterior axillary line, 2.0 cms., left wrist, lateral.

STAB WOUND:

1. 2.0 cms., clean-cut edges, with a blunt superior and sharp inferior extremities, almost horizontally oriented, located at the anterior chest wall, left side, 7.0 cms., from the anterior median line, directed backwards, upwards and laterally, involving the soft tissues, cutting the cartilage of the 4th rib, and entering the left thoracic cavity, perforating the pericardial sac and then to apex of the heart, with a depth of 12.0 cms.
2. 2.5 cms., clean-cut edges, elliptical, with a blunt superior and sharp inferior extremities, almost horizontally oriented, located at the anterior chest wall, left side, 15.0 cms., from the anterior median line, directed backwards, upwards and medially, involving the soft tissues, then entering the left thoracic cavity, then perforating the left ventricle of the heart, with a depth of 11.5 cms.

Visceral organs pale

Stomach, 1/2 amount of liquid.

CAUSE OF DEATH: STAB WOUNDS, CHEST.^[47]

Based on the above findings, he concluded that the assailant stood in front of the victim, at an arm's length distance, when the stabs were delivered.^[48] He also stated that the assailant used a sharp bladed weapon on the victim.^[49] However, he clarified that there might have been two bladed weapons since the stab wounds measured differently in width.^[50] He also stated that the first stab wound may have already been sufficient to kill the victim thereby rendering the second stab wound unnecessary.^[51] With regard to the incise wound on the victim's left wrist, he said that it might have been caused by the victim's attempt to parry the thrusts of the assailant.^[52] When questioned with regard to Surjit Singh's claim that the victim was hit on the forehead with a bottle, he said that there was no finding of any wound in the victim's forehead.^[53]

After the prosecution rested its case, the defense presented Rolando del Rosario as its first witness. He testified that he lives at No. 50 Abra St., Bago-Bantay, Quezon City and works as an umbrella repairman.^[54] On 5 October 1993, between five and six o'clock in the afternoon, he was near the scene of the crime since he was on his way home.^[55] However, he later on corrected himself and said that he was on his way home at around 4:30 p.m.^[56] While walking towards his home in Abra St., he noticed, from a distance of 30 meters,^[57] a commotion going on in the said street.^[58] He then crossed Congressional Ave. and noticed an Indian national, whom he later on identified as Surjit Singh, hurrying to cross the said avenue.^[59] He was familiar with the face of Surjit Singh since he had seen him before in Abra St. collecting from the said Indian's clients.^[60] After crossing Congressional Ave., Surjit Singh then went to the aid of another Indian national who was already bloodied and unconscious.^[61] He followed Surjit Singh and was only an arm's length away while the latter was assisting his fellow Indian.^[62] Surjit Singh then ran towards the nearby police station to seek help.^[63] Thereafter, Surjit Singh carried the unconscious Indian national towards a jeep.^[64] On cross-examination, he admitted that one of the accused-appellants, Cariño, was his neighbor whom he has known for a long time.^[65] He also admitted that the mother of Carino went to him and requested that he testify in behalf of her son.^[66]

The defense then presented Asteria Cariño as its second witness. She testified that she is the mother of accused-appellant Cariño, lives in 54-C Abra St., Bago-Bantay, Quezon City and makes a living out of repairing umbrellas.^[67] On 5 October 1993, she was in their house together with her son.^[68] She was then washing umbrellas while her son slept for the most part of the day.^[69] She noticed that her son slept in the morning, woke up at lunch, slept again after taking the said meal and woke up in the evening to watch television.^[70] From October 5 to October 6, her son, who makes a living from selling cigarettes at the corner of Project 7 and Corregidor St., did not and could not leave their house since it was raining hard for two (2) consecutive days.^[71] Her son only left their house on 7 October 1993 to watch a movie when the heavy rains had already stopped.^[72] To buttress her claim that it was raining hard from 5 to 6 October, she obtained a certification to this effect from

the Philippine Atmospheric Geophysical Astronomic Services Administration (PAGASA).[73] The authenticity of the PAGASA report was stipulated upon by the counsels of both parties.[74] She only learned that her son had a criminal case when she was informed that he was arrested on 7 October 1993.[75]

The third witness for the defense was Monica Figuerroa. She testified that she is a neighbor of Cariño[76] and that she resides in No. 52 Abra Street, Bago-Bantay, Quezon City.[77] On 5 October 1993, between four and five in the afternoon, she was at the corner of Congressional Ave. and Abra St. selling umbrellas.[78] While going about her business, she noticed that on the opposite side of the street, less than 30 meters away from where she was, someone was stabbed.[79] She saw only one person stab the victim and the said assailant ran away and passed in front of her.[80] She characterized the person who was stabbed as an Indian national.[81] When asked if the person who stabbed the victim was any one among the accused, she answered in the negative.[82] After being stabbed, the victim ran towards the police station nearby but he was unable to reach the same because he already fell to the ground.[83] She then approached the fallen victim to join the other onlookers.[84] Another Indian national then came along, hailed a jeep and boarded the victim into the said vehicle.[85] The following day, she went to the house of the Cariño's to relate to Asteria Cariño what she witnessed.[86] She noted that during her visit, accused-appellant Cariño was in their house.[87] Upon being prodded on when she learned that she was going to testify for the defense, she said that she was only informed of this matter a few days prior to the scheduled hearing. She explained that prior to her testimony, she was never requested by the mother of Cariño to testify in her son's behalf.[88] However, during the latter part of her testimony, she contradicted what she said and stated that she had been previously requested by the Cariño's to testify but she initially refused since she was afraid to do the same.[89]

The fourth witness for the defense was accused-appellant Cariño. He testified that, prior to his detention, he used to be a cigarette vendor plying his trade in that portion of EDSA near Project 7.[90] On 5 October 1993, he stayed in their house for the whole day and did not sell cigarettes because there was a storm.[91] On the said day, he slept after taking his lunch and was awakened by his brother at around 6:30 p.m.[92] The following day, 6 October 1993, he still stayed at home since the storm was still raging.[93] He only left their house on 7 October to watch a movie since the weather had already cleared.[94] While watching a movie in the theater of ShoeMart West Ave., he was arrested by the police and informed that he was being accused of killing an Indian national.[95] He was then brought to the Baler Police Station where he was detained.[96] He stated that he does not know Parminder Singh and that it was only while in detention that he first saw Surjit Singh.[97] Upon being asked with regard to the distance of his house to the scene of the crime, he estimated the same to be less than a kilometer.[98]

The fifth witness for the defense was Aurora Prudencio, a fruit vendor who resides at Project 8, Quezon City.[99] She personally knows accused-appellant Cariño, whom she calls John-john, while she only knows the other accused-appellants by face.[100]