

FIRST DIVISION

[G.R. No. 122477, June 30, 2000]

**THE PEOPLE OF THE PHILIPPINES, PLAINTIFF-APPELLEE, VS.
EDISON ARELLANO, ACCUSED-APPELLANT.**

D E C I S I O N

KAPUNAN, J.:

This is an appeal from the Decision of the Regional Trial Court of Cauayan, Isabela, Branch 19, in Criminal Case No. 19-656,^[1] sentencing appellant Edison Arellano to suffer the penalty of *reclusion perpetua* for the crime of murder.

The conviction of the appellant stemmed from an information reading as follows:

The undersigned Provincial Prosecutor, accuses EDISON ARELLANO and ROMEO TINDENILLA, of the crime of MURDER, defined and penalized under Article 248 of the Revised Penal Code, committed as follows:

That on or about the 25th day of July, 1993, in the municipality of Cabatuan, province of Isabela, Philippines, and within the jurisdiction of this Honorable Court, the said accused, conspiring, confederating together and helping one another, with evident premeditation and treachery, did then and there wilfully, unlawfully and feloniously, with intent to kill suddenly and unexpectedly and without giving him chance to defend himself, assault, attack and stab with a pointed bladed instrument one Andres Ventura inflicting upon him a stab wound of the right side of the body, which directly caused his death.

CONTRARY TO LAW.^[2]

At their arraignment, both accused pleaded not guilty to the offense charged.^[3] Trial on the merits ensued with the prosecution presenting three witnesses, namely: Roberto Morales, Antonio Cordova and Lilia Ventura. The testimonies of said prosecution witnesses may be summed as follows:

Roberto Morales, an auto mechanic at the Victory Rice Mill, testified that on July 25, 1993, at around 7:00 p.m., he was at a *sari-sari* store beside said rice mill at Cabatuan, Isabela. He was there drinking beer with Gaudencio Pagon, Romeo Tindenilla, rice mill security guard Arellano, Antonio Cordova, Rudy and the victim Andres Ventura. An hour later, the storeowner named Riza requested Andres to gather the empty bottles of beer. Romeo resented the act of Andres of getting the bottles in front of him, thus, a verbal tussle ensued. This heightened into a fistfight between Andres and Romeo. Because of the punches received from Andres, Romeo fell. Suddenly, Arellano approached Andres and stabbed the latter on the right side with a pointed double-bladed instrument. Andres then attempted to chase Arellano

but failed as the latter was able to escape into the compound of the Victory Rice Mill. Andres sat down, held his side and shouted for help. Seeing Andres' serious wound, he (Morales) and the others brought him to the Bucag Hospital. It was there that Andres died an hour later.^[4]

Antonio Cordova corroborated Morales' testimony. Also a laborer at the Victory Rice Mill, Cordova narrated that on the night of the alleged crime, he was at Riza's store with Roberto Morales, Rudy Senias, Gaudencio Pagon, Romeo Tindenilla *alias* Nonoy and Andres Ventura. They were there since 5:00 in the afternoon as they were waiting for their wages. After they had each consumed a bottle of beer, the storeowner asked Andres to gather the empty bottles. While Andres was gathering the bottles, an argument broke out between Andres and Romeo. The two then started exchanging blows. As Romeo fell, Arellano emerged from the rear right side of Andres and stabbed Andres with a double-bladed weapon, hitting the latter below the right nipple. Andres then sat down, held the right side of his body and told people around that his body was painful. Arellano, on the other hand, fled to the rice mill.

Antonio reported the incident to the police. Together with Morales, Gaudencio and another person, he brought Andres to the Bucag hospital in Cauayan in a police car. It was Antonio who told the victim's mother about the incident.^[5]

The prosecution also submitted in evidence the medical certificate issued by Dr. Eduardo Bucag. Despite the absence of a medico-legal testimony, the contents of the same were admitted by the defense without objection.^[6] The medical certificate reveals that Ventura died as a result of a stab wound on the upper right side of his body:

This is to certify that Ventura Andres 18 y/o, male from Cabatuan, Isabela was admitted on 7-25-93 because of stab wound at the ® upper quadrant of the abdomen. On admission he was hypotensive & pale. Immediate resuscitation was done thru an emergency exploratory laparotomy that was performed. In the operative findings showed massive blood within the peritoneal cavity, stomach and small bowel. About 3-4 liters of blood was evacuated. There was transection of the hepatic artery and or portal vein, penetrating wound at the duodenum and pancreas. Intraoperatively he went into cardio respiratory failure and was revived. Around 30 minutes from the time he was out of the operating room he went into cardio respiratory arrest and was pronounced dead at 1:15 a.m. (7-26-93)^[7]

The prosecution having rested its case, counsel for the defense made an oral demurrer to evidence and moved for the dismissal of the case as far as accused Tindenilla was concerned on the ground that the prosecution failed to show complicity between the two accused persons.^[8] The prosecution concurred in this motion. Hence, the trial court promulgated a partial decision acquitting accused Tindenilla of the crime charged on the grounds that the injury inflicted by appellant on the victim "was the product of his sole initiative" and that the prosecution failed to prove conspiracy between accused-appellant and Tindenilla. ^[9]

For his part, the appellant interposed alibi and denial as defenses. Witness Romeo Tindenilla testified that he arrived at Riza's store between 8:00 and 8:30 p.m. on July 25, 1993. Already there were Andres, Roberto, Antonio, Gaudencio and Rudy. Andres told Romeo that he would box him. Romeo asked Andres why, picked up the bottle of beer he was drinking, and turned his back with the intention of leaving. Andres nonetheless boxed Romeo on his back, causing the latter to fall down and lose consciousness. When Andres told Romeo that he would box him, Arellano was no longer around as he had gone to the compound of the rice mill. In fact, when Romeo arrived at the store, Arellano, who had gone from the store, was already entering said compound. They met each other on the road outside the store. Romeo was still "not fully conscious" when the police brought him to the headquarters. He only learned at dawn that Andres had been stabbed.^[10]

Testifying for his own defense, Arellano swore that at 7:30 p.m. on July 25, 1993, he was in Calaocan, Cabatuan, Isabela to pay respect to the dead grandfather of his friend, Arthur Corpuz. He stayed there with Arthur for ten minutes. Riding on a motorcycle, he and Arthur returned to Cabatuan, arriving there at 8:00 p.m. Arellano went directly to the Victory Rice Mill. Upon alighting from the motorcycle, Roberto Morales, who was at the canteen three meters away from the gate of the rice mill, called him. Roberto offered him a bottle of beer. At the canteen were Gaudencio Pagon and Rudy Senias aside from Roberto. Andres Ventura was not there. Arellano stayed in the canteen for only ten minutes and then he proceeded to the Victory Rice Mill. On his way to the rice mill, Arellano met Romeo who was going out of the rice mill to go to the canteen. The security guard on duty at that time was Mario Guillermo. Arellano was having his dinner when a laborer in the rice mill named Randy informed him that Romeo was mauled and that Andres was stabbed. Andres was shocked to learn from Randy that he (Arellano) had been pinpointed as the person who stabbed Andres. A few minutes later, the police arrested him. He and Tindenilla were transported to the police station in the same vehicle that brought the victim to the hospital.^[11]

Mario Guillermo, the security guard on 24-hour duty at the rice mill, narrated that on the night of July 25, 1993, at around 8:30 in the evening, he was inside the Victory Rice Mill compound when he heard some people quarreling outside. He took a peek and, from a distance of about fifteen meters from the gate, he saw the victim saying, "*Adda tamak, adda tamak*," meaning "I am injured, I am injured." Initially, he testified that it was at that precise moment that he saw Arellano entering the Victory Rice Mill. Although later he changed his testimony and stated that around five minutes had elapsed after Arellano had entered the gate when he heard someone shouting outside. Guillermo had opened the small opening in the big gate after hearing Arellano knock at the gate three times.^[12]

Based on the evidence presented, on November 23, 1994, the trial court rendered a decision finding Arellano guilty beyond reasonable doubt of the crime of murder. It found that Arellano's defense of alibi could not succeed considering his positive identification by credible witnesses as the author of the killing of Andres Ventura. It ruled out the qualifying circumstance of evident premeditation as there was no proof that the incident was planned. Neither was motive for the killing established. In concluding that treachery qualified the killing to murder, the trial court said:

xxx However, the Court believes that the crime was attended with treachery. The victim never know (sic) that he will be attacked by the accused. No previous altercation took place between them so as to warn the victim of any impending attack by the accused. The evidence clearly shows that the victim and Romeo Tindenilla were having a fist fight and when the latter was knocked down, the accused coming from behind suddenly and unexpectedly stabbed the victim without any warning or giving him a chance to defend himself. Then he (accused) cowardly ran inside the compound of the Rice Mill. The crime committed is, therefore, murder.^[13]

The dispositive portion of the decision reads:

Wherefore, in view of the foregoing considerations and finding the accused guilty beyond reasonable doubt of the crime of murder, judgment is hereby rendered sentencing him to suffer the penalty of reclusion perpetua, to indemnify the heirs of the victim in the amount of P100,000.00 as compensatory damages and P13,000.00 as medical and funeral expenses, and to pay the costs.

Thus, appealing before this Court, appellant raises the following assignment of errors:

A

THE DECISION WAS PURELY BASED ON THE SPECULATION THAT DEFENSE WITNESS MARIO GUILLERMO MUST HAVE LIED.

B

THE DECISION OVERLOOKED IF NOT TOTALLY IGNORED THE TESTIMONY OF DEFENSE WITNESS ROMEO TINDENILLA.

C

THERE WAS MORE THAN ENOUGH DOUBT AS TO THE GUILT OF THE ACCUSED-APPELLANT.

D

THE TESTIMONIES OF THE PROSECUTION WITNESSES ARE NOT FREE FROM DOUBT.

The above errors raised by the appellant boil down to the issue of the credibility of witnesses.

The prosecution and the defense presented contradictory accounts of the events leading to the death of Andres Ventura. And this Court has invariably held, the opinion of the trial court as to which version of the commission of the crime should be believed is entitled to great respect. The oft-repeated rationale born of judicial experience is that the trial judge who heard the witnesses testify and had the occasion to observe their demeanor on the stand was in a vantage position to determine who of the witnesses deserve credence.^[14] A close examination of the

records reveals no justification to depart from the trial court's findings on the issue of credibility.

Appellant asserts that the testimonies of prosecution witnesses are "not free from doubt." He stresses that Roberto Morales and Antonio Cordova had been drinking beer for two and a half hours and, therefore, their "observation of the event could have been faulty or mistaken."^[15] The credibility of said witnesses could have been adversely affected had there been proof as to how drunk they were. However, appellant failed to show that intoxication had so debilitated their senses to the point of negating their claim of having seen Andres' attacker,^[16] hence, the credibility of said witnesses remain untarnished.

Appellant, likewise, failed to show any ill-motive on the part of witnesses Roberto Morales and Antonio Cordova for testifying against him. There being no showing of improper motive on the part of Roberto and Antonio for identifying the accused as the perpetrator of the crime, the presumption is that they were not so actuated and their testimonies are entitled to full faith and credit.^[17]

Both prosecution witnesses clearly identified accused-appellant as the person who stabbed the victim. Both Roberto Morales and Antonio Cordova worked at the Victory Rice Mill where appellant was a security guard, hence, they were familiar with each other. Both were categorical in their declaration that it was appellant who stabbed Andres Ventura. Roberto Morales testified, thus:

Q What was the cause of the altercation between Romeo Tindenilla and Andres Ventura, if you know?

A Because Romeo resented the act of Andres in getting the bottles in front of Romeo and a verbal hustle (sic) followed, sir.

Q After that what happened next?

A They had a fist fight and Romeo Tindenilla fell down, sir.

Q When Romeo Tindenilla fell down, do you know what happened?

A Then immediately Arellano came near them and stabbed Andres Ventura at his side of his body, sir. (Witness pointing at his right side of his body parallel to the arm just above the waist).

Q Who is this Arellano whom you referred who immediately got near Andres Ventura and stabbed him at his right side?

A The security guard, sir.

Q Is he the same person whom you pointed earlier as Edison Arellano?

A Yes, sir.

xxx.^[18]

Q And only one fist blow was given by Tindenilla to Ventura, is that what you mean?

A Yes, sir.

Q And when Ventura retaliated that blow was the one which felled (sic) Tindenilla, is that what you mean?

A Yes, sir.

Q And before Andres Ventura was stabbed where was Edison Arellano?

A He was behind the victim, sir