

SECOND DIVISION

[G.R. No. 128072, February 19, 1999]

PEOPLE OF THE PHILIPPINES, PLAINTIFF-APPELLEE, VS. HENRY BENITO, ACCUSED-APPELLANT.

DECISION

QUISUMBING, J.:

Accused-appellant Henry Benito interposes the present appeal, seeking a reversal of the June 24, 1996 Decision^[1] of the Regional Trial Court of Dagupan City, Branch 43,^[2] in Criminal Case No. D-8575, which found him guilty beyond reasonable doubt of the crime of murder.

The Information against him alleges as follows:

"That on or about February 4, 1988 in the evening at barangay Sonquil, Municipality of Sta. Barbara, province of Pangasinan, Philippines and within the jurisdiction of this Honorable Court, the above-named accused, armed with a bladed weapon, with intent to kill and with evident premeditation, did, then and there, wilfully, (sic) unlawfully and feloniously attack and stab one Alberto dela Cruz, inflicting upon him the following injuries, to wit:

- stab wound, 2.5 cms. in length, 11 cms. deep at the 2nd intercostal space, left, midclavicular area, penetrating the ascending aorta and the anterior segment of the upper lobe of the left lung;

which injuries directly caused the instantaneous death of said Alberto dela Cruz, to the damage and prejudice of his heirs.

Contrary to Art. 248 of the Revised Penal Code."^[3]

On September 21, 1995, appellant assisted by *counsel de oficio* 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 are concisely summarized in the Brief for the Appellee, submitted by the Office of the Solicitor General, are as follows:

"Light flowed from a flickering kerosene lamp, illuminating the inside of a hut in Barangay Sonquil, Sta. Barbara, Pangasinan. It was then about 7:20 p.m. on February 4, 1988. Inside the hut were husband and wife Dionisio and Imelda Albarida.

About this time, appellant came walking hurriedly towards the hut. At the

frontage of the hut, he called for his wife, Thelma Catab, daughter of the spouses Albarida. Imelda Albarida opened a window at the frontage of the hut and told appellant that his wife was not there. Angered by the reply, appellant began hitting the wall of the hut with his fist. This went on for around two minutes. Appellant then left.

About a meter from the hut, appellant met victim Alberto de la Cruz. The latter was muttering 'who is this person making trouble?' Without a word, as the two were already side-by-side, appellant pulled a knife from his waist and stabbed Alberto de la Cruz on his chest. As Alberto de la Cruz tottered, falling to the ground, bloodied and lying prostrate, appellant hurried away from the place.

Imelda Albarida witnessed the stabbing incident from the window through which she was looking. To better observe the incident, she took the lamp and focused it on the surroundings downstairs. Fear then gripped her. She hugged her husband and stopped him from going downstairs to the fallen Alberto de la Cruz.

A crowd began milling around the body of Alberto de la Cruz. His parents, Luis and Virginia de la Cruz, were there, and so was Pedro Almazan, and also, a member of the barangay's kagawad, Manuel Suarez. The victim was brought to a hospital on a tricycle but died en route, and he was brought to the morgue instead."^[4]

On the other hand, the facts according to the defense go this way:

"HENRY BENITO vehemently denied that he killed ALBERTO DELA CRULZ (sic). He alleged that in the evening of February 4, 1988 around 7:20 thereof, he followed his wife in the house of his mother-in-law at Bo. Sonquil, Sta. Barbara, Pangasinan. His house is forty-eight (48) meters away from the house of his mother-in-law. That in going to the house of his in-laws he passed by a drinking session participated by Pedro Almagan, Alberto dela Cruz, Berto Miranda, Jong dela Cruz and Luis dela Cruz which is situated around ten (10) meters away from said house. He was offered wine by the group but he refused instead he proceeded immediately to the house of his mother-in-law. Upon arriving thereat, he called his wife telling her to go home but his mother in law refused to let her go. His mother-in-law was mad at him at that time. He testified that his wife finally went down and on their way home he saw that the people who were having a drinking spree were boxing each other specifically referring to victim Alberto dela Cruz and Pedro Almagan.

He denied the accusation of his mother-in-law that he stabbed the victim. He further alleged that his mother in law treats him badly and meddles in their family affairs.

He also denied the testimony of Kagawad Manuel Suares that he could not be found in his house and in Bo. Sonquil, Sta. Barbara, Pangasinan after the incident; He stated that he still stayed in Bo. Sonquil after the incident; However, he claims that he left his house on February 16, 1988 and went to Manila because of his mother in law; that he came to know

that he is being accused for the crime of Murder when he was arrested on September 16, 1995 in Brgy. Maligaya, Novaliches, Metro Manila.

He admitted that he knows Pedro Almagan he being his barriomate; that he has no misunderstanding with him before February 4, 1988 even up to the present time; He denied knowledge that Pedro Almagan is an eyewitness of the stabbing incident including authorship of the death threats letter (Exh. A& B);

He further admitted that on February 11, 1995 he was already in jail; However on further questioning, he pointed that he was arrested on September 16, 1988; Despite his admission that he was arrested on September 16, 1988 he insisted that he was already detained on February 11, 1995.

On cross, he admitted the presence of a kerosene lamp inside the house of his mother-in-law which was placed infront of the altar; that before February 4, 1988 he has no misunderstanding with victim Alberto dela Cruz, Manuel Suarez and Salvador Cardenas; that there is no obstruction between the place where he was standing infront of his mother-in-law's house to the place of the group who were having a drinking spree at that time; that after the incident on February 4, 1988 he went to Manila.

TEOFILO BENITO, the brother of the accused was offered in court by the defense to corroborate the testimony of the accused that he has witnessed quarrels between accused and his mother-in-law Imelda Albarida prior and after February 4, 1988. The reason of the quarrel has something to do with the meddling of the affairs of the accused and his wife. He also alleged that he knows Pedro Almagan being his barriogangmate. That Pedro Almagan told him that death threats letter which was presented by the prosecution was his own because he does not want to testify in connection with the case as he has no knowledge about it.

RAMON CRISOSTOMO was also offered in court by the defense. He testified that he is the neighbor of the accused and the victim Alberto dela Cruz. In the evening of February 4, 1988 he was walking at the road in Bo. Sonquil, Sta. Barbara, Pangasinan on way home to his residence. In going to his house he pass by accused and the accused greeted him by saying `Goodnight Kuya'. He also saw the accused the day following the incident which is contrary to the allegation of the barangay officials that accused could not be found in Bo. Sonquil Sta. Barbara, Pangasinan."^[5]

On June 24, 1996, the trial court rendered its decision, the decretal portion of which reads:

"WHEREFORE, the COURT finds accused HENRY BENITO guilty beyond reasonable doubt of the felony of MURDER defined and penalized under Art. 248 of the Revised Penal Code, and appreciating the qualifying aggravating circumstance of Treachery, the COURT sentences accused to

suffer the penalty of reclusion perpetua and to pay the bereaved wife of victim Alberto dela Cruz, the following, videlicet:

1. P19,500.00 as actual damages;
2. 50,000.00 as indemnity;
3. 30,000.00 as moral damages;

And cost.

SO ORDERED."^[6]

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:^[7]

- I. THE TRIAL COURT GRAVELY ERRED IN GIVING FULL WEIGHT AND CREDENCE TO THE TESTIMONY OF PROSECUTION WITNESS IMELDA ALBARIDA WHICH IS INCONSISTENT, INCREDIBLE THEREFORE NOT SUFFICIENT TO SUSTAIN A CONVICTION BEYOND REASONABLE DOUBT.
- II. THE TRIAL COURT GRAVELY ERRED IN GIVING FULL WEIGHT AND CREDENCE TO THE STATEMENT OF PEDRO ALMAGAN THAT IT WAS ACCUSED HENRY BENITO WHO STABBED VICTIM ALBERTO DELA CRUZ WHEN SAID PEDRO ALMAGAN WAS NEVER PRESENTED IN COURT.

Basically, appellant's assignment of errors is focused on the trial judge's assessment of the credibility of the prosecution's principal witness and her testimony.

The appellant based his defense on plain and simple denial. Now he contends that the evidence presented by the prosecution was inadequate to prove his guilt beyond reasonable doubt of the crime being imputed against him. According to him the testimony of Imelda Albarida contained discrepancies which totally destroyed her credibility as a witness. Further, he avers that no motive for killing the victim has been proven.

The trial court gave full faith and credence to the testimony of witness Imelda Albarida, observing with an amplitude of details that her testimony was clear, unequivocal and rang with truth. The reference to the statement of Pedro Almazan in the decision of the trial court was done only to explain the failure of the prosecution to present him as a witness.

As often stressed by us on the point of credibility of witnesses, appellate courts accord the highest respect to the assessment made by the trial court.^[8] Findings of the trial court on the credibility of witness deserves great weight, given the clear advantage of a trial judge in the appreciation of testimonial evidence. We have recognized that the trial court is in the best position to assess the credibility of witnesses and their testimonies because of their unique opportunity to observe the witnesses first-hand and to note their demeanor, conduct and attitude under