

THIRD DIVISION

[G.R. No. 108772, January 14, 1998]

PEOPLE OF THE PHILIPPINES, PLAINTIFF-APPELLEE, VS. ROLLY OBELLO Y PROQUITO, ACCUSED-APPELLANT.

DECISION

PANGANIBAN, J.:

The appreciation of and the weight accorded to the testimony of witnesses are better left to the sound discretion of the trial judge whose findings will not be disturbed on appeal, unless the defense shows that he has plainly overlooked certain facts of substance and value which, if properly considered, may affect the result of the case.

The Case

This principle is used by the Court in resolving this appeal from the Decision^[1] of the Regional Trial Court of Quezon City, Branch 92, in Crim. Case No. Q-91-24295 finding Rolly Obello y Proquito guilty beyond reasonable doubt of murder.

In an Information^[2] dated September 16, 1991, Accused-appellant Rolando Obello y Proquito and "John Doe" were charged with murder allegedly committed as follows:^[3]

"That on or about the 1st day of September 1991, in Quezon City, Philippines and within the jurisdiction of this Honorable Court, the above-named accused, conspiring together, confederating with and mutually helping each other, did, then and there, wilfully, unlawfully and feloniously, with intent to kill, with treachery, taking advantage of superior strength, and with evident premeditation, attack, assault and employ personal violence upon the person of DANILO DE CLARO Y INFANTE, by then and there stabbing him on the chest, thus inflicting upon him serious and mortal wound which was the direct and immediate cause of his death, to the damage and prejudice of the heirs of the said victim in such amount as may be awarded to them under the provisions of the Civil Code."

Accused John Doe, who was identified during the preliminary investigation as Antonio Go, was at large. Hence, only appellant was arraigned and brought to trial. At the arraignment^[4] on January 6, 1992, appellant, with the assistance of a counsel de oficio,^[5] pleaded "not guilty."^[6] Trial ensued in due course. On August 26, 1992, the court a quo rendered the assailed Decision, which disposed as follows:^[7]

"WHEREFORE, in view of the foregoing considerations, the Court finds accused Rolly Obello y Proquito guilty beyond reasonable doubt of the crime of MURDER as defined and penalized under Article 248 of the Revised Penal Code and there being no mitigating nor aggravating circumstance attendant to the commission of the crime, the Court hereby sentences the accused to suffer the penalty of Reclusion Perpetua with the accessory penalties provided by law; to pay the heirs of Danilo de Claro the sum of P50,000.00 plus the amount of P6,000.00 representing funeral expenses without subsidiary imprisonment in case of insolvency; and, to pay the costs."

In view of the penalty imposed, the appeal was filed directly with this Court.^[8]

The Facts

Version of the Prosecution

The Appellee's Brief presented the prosecution's version of the facts, as follows:^[9]

"Sometime in [sic] September 1, 1991 at around 4:00 p.m. Ricardo de la Cruz was playing mahjongg [sic] together with four (4) others in the store of a certain May at Riverside Street, Barangay Commonwealth, Quezon City (TSN, de la Cruz, Feb. 4, 1992, pp. 8, 14). Suddenly, he heard people shouting outside (TSN, de la Cruz, Feb. 4, 1992, pp. 8, 14). Immediately, Ricardo rushed outside of the store and saw Rolly Obello holding Danilo de Claro by his two (2) arms and a certain Antonio Go (Tony) who came from the back of Rolly suddenly stabbed Danilo on the abdomen with a fan knife (tsn, de la Cruz, Feb. 4, 1992, pp. 8, 14-15). After stabbing Danilo, Tony and Rolly ran away (TSN, de la Cruz, Feb. 4, 1992, p. 9).

Ricardo chased them, picked up a stone and when he was about to throw the stone, Rolly stopped him and said: 'Buda (Ricardo's nickname), hinde katalo yan' (referring to Tony) (TSN, de la Cruz, February 4, 1992, pp. 9-10, 15). Ricardo desisted from throwing the stone, then Tony and Rolly boarded a jeep and speed [sic] away (TSN, de la Cruz, Feb. 4, 1992, pp. 10, 15).

As soon as the two fled, Ricardo returned to Danilo to help him. When Ricardo lifted Danilo, he noticed that blood was oozing from Danilo's chest, so he inserted his finger on the stab wound to stop the flow of blood but the same proved to be futile (TSN, de la Cruz, Feb. 4, 1992, p. 10). Danilo said: 'Buda, take care of me,' and then pushed Ricardo and he (Danilo) fell to the ground (TSN, de la Cruz, Feb. 4, 1992, p. 10).

Ricardo together with Danilo de Claro, Jr. carried Danilo and brought him to the hospital. At the hospital, they were informed by the attending physician that Danilo suffered three (3) stab wounds which caused his death (TSN, de la Cruz, Feb. 4, 1992, pp. 10-11).

However, of the three (3) stab wounds suffered by Danilo, Ricardo only witnessed Tony deliver his last stab blow which hit Danilo's abdomen (TSN, de la Cruz, Feb. 4, 1992, pp. 8, 15)."

Version of the Defense

The trial court narrated appellant's version of the incident, viz.:^[10]

"Accused Rolly Obello's defense is denial. He testified that on September 1, 1991 at about 4:00 o'clock in the afternoon, he was in the house of Aling Aida at Riverside St., Barangay Commonwealth, Quezon City watching the game of mahjong. The persons playing mahjong were his wife, his brother, Ricardo dela Cruz and the latter's wife. While he was watching mahjong, carrying his daughter, he heard Antonio Go and Danilo de Claro saying words to each other and when he came out, he saw that both were holding knives. He tried to stop them by using his left hand but when he failed, he went back to the place where mahjong was played and asked for help. When he returned, he saw that Danilo de Claro was already lying facing the ground. He told Ricardo dela Cruz to look for the brothers of Danilo de Claro or the family because he did not see who killed him. Ricardo dela Cruz testified against him because he (Ricardo) was mauled by the brothers of Danilo de Claro in front of him at his place of work in Angono, Rizal. The three (3) brothers of Danilo de Claro, Ricardo dela Cruz and three (3) policemen went to his place of work because they were looking for Antonio Go. The policemen brought him to Station 5 inside the COA Compound. The following day he was brought to the Fiscal's Office (TSN, pp. 2-7, May 18, 1992). On cross examination, he testified that the other persons who were present at the place where the mahjong was played were Marlene and Darmo. When he heard the shouts he went out because he heard that Antonio Go was one of the antagonists. Danilo de Claro was his friend and they used to play basketball. When he went out he was carrying his six (6) months old daughter and he saw that Antonio Go and Danilo de Claro were both holding knives, so he stayed at the middle and tried to pacify them. He faced Danilo de Claro because he was the one who was very furious. When he failed to pacify both, he went back to the place where mahjong was being played and when he returned after about ten (10) minutes, Danilo de Claro was already lying face down."

The Trial Court's Ruling.

In convicting appellant, the trial court relied on the testimony of Eyewitness Ricardo dela Cruz which was corroborated by the medical findings showing the nature and the location of the wounds inflicted on the victim. The trial court also disbelieved appellant's contention that he was carrying his six-month old child at that time and that he merely tried to pacify the victim and Antonio Go. The trial court held that said claim was "against ordinary instincts and promptings of human nature."

The trial court also appreciated conspiracy between appellant and Antonio Go. The trial court ruled that "the killing of Danilo de Claro was committed in such a way that he was not in a position to defend himself[,] for when he was being stabbed by Antonio Go, his hands were held by Rolly Obello which was the reason why all the wounds were in front of the body. Moreover, Danilo de Claro was unarmed." Without expressly stating so, the trial court in effect held that the killing was qualified by treachery.

The Issues

In his Brief, appellant imputes to the trial court the following errors:^[11]

- "1. The court *a quo* erred in holding the accused guilty beyond reasonable doubt of the crime of murder.
2. The court *a quo* erred in giving credence to the testimony of Ricardo dela Cruz.
3. The court *a quo* erred in disregarding the testimony of the accused."

In the main, appellant assails the credibility of the prosecution witnesses.

The Court's Ruling

The appeal is not meritorious.

First Issue: Credibility of Witnesses

Prosecution Witness Ricardo dela Cruz testified that appellant held the two arms of Victim Danilo de Claro, while a certain Antonio "Tony" Go came from appellant's back and fatally stabbed the victim in the abdomen. Ricardo testified: ^[12]

Q While playing 'madyong' at the place of May, was there anything unusual incident [sic] that happened?

A Yes, there was, sir.

Q What was that?

A People suddenly shouted, sir.

Q What did you do upon hearing the shouts, if you did anything?

A I rush[ed] out, sir.

Q While you were outside, what did you see, if any?

A Rolly was holding Danilo de Claro by his two (2) arms and I saw Tony Go went at [sic] the back of Rolly then suddenly stabbed Danilo de Claro on the abdomen.

Q Mr. Witness, how far were you standing from the place of the stabbing incident?

A At about two (2) arms feet [sic], sir.

Q What kind of instrument was use [sic] by Tony Go in stabbing Danilo de Claro?

A 29 inches pan [sic] knife, sir.

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Q When you were in the hospital, what happened, if any?

A The Doctor informed us that he have [sic] three (3) stabbed wounds, sir.

Q Mr. Witness, you testified a while ago that you saw Tony Go stab Danilo de Claro in the chest and then you said now that the Doctor told you that Danilo de Claro sustained three (3) stabbed wounds, why did you say that he has only one (1) stab wound?

A I only say one (1), sir. I did not see the other stabbed [sic].

Q Mr. Witness, do you know what is the reason why accused Tony Go and Rolly stab Danilo de Claro.

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Q Mr. Witness, you said that you were playing 'madyong' at the place of May, is that correct?

A Yes, sir.

Q This place of May a residential one or is it a store?

A A store, sir.

Q And you were inside the place of May?

A Yes, sir.

Q How many people were there?

A Four (4), sir.

Q You said that you were inside at the residence of May, upon hearing the shouts of the people outside how far were you from the door, from the residence of May?

A I was leaning at the door, sir.

Q Were you standing?

A I was standing, sir.

Q How long a time did you from the place where you was leaning, up to the time you went outside?

A One (1) minute, sir.

Q Upon going out from the residence of May, what did