

FIRST DIVISION

[G.R. No. 120282, April 20, 1998]

**PEOPLE OF THE PHILIPPINES, PLAINTIFF-APPELLEE, VS.
ROBERT CASTILLO Y MONES, ACCUSED-APPELLANT.**

D E C I S I O N

PANGANIBAN, J.:

The trial court judge is not an idle arbiter during a trial. He can propound clarificatory questions to witnesses in order to ferret out the truth. The impartiality of a judge cannot be assailed on the mere ground that he asked such questions during the trial.

The Case

This is an appeal from the Decision^[1] dated December 23, 1994 of the Regional Trial Court of Quezon City, Branch 88, in Criminal Case No. Q-93-45235 convicting Robert Castillo y Mones of murder and sentencing him to *reclusion perpetua*.^[2]

On July 23, 1993, an amended Information^[3] was filed by Assistant City Prosecutor Ralph S. Lee, charging appellant with murder allegedly committed as follows:

“That on or about the 25th day of May, 1993, in Quezon City, Philippines, the above-named accused, with intent to kill[,] qualified by evident premeditation, use of superior strength and treachery did then and there, willfully, unlawfully and feloniously assault, attack and employ personal violence upon the person of one ANTONIO DOMETITA, by then and there stabbing him with a bladed weapon[,] hitting him on his chest thereby inflicting upon him serious and mortal wounds, which were the direct and immediate cause of his untimely death, to the damage and prejudice of the heirs of the said ANTONIO DOMETITA.

CONTRARY TO LAW.”

Upon arraignment, Appellant Castillo, assisted by Counsel Salacnib Baterina, entered a plea of not guilty.^[4] After trial in due course, appellant was convicted. The dispositive portion of the assailed Decision reads:

“WHEREFORE, premises considered, accused ROBERTO CASTILLO y MONES is found guilty beyond reasonable doubt of the crime of Murder and [is] hereby sentenced to suffer [the] penalty of *reclusion perpetua*. He is likewise ordered to pay the heirs of the deceased Antonio Dometita actual damages in the sum of P60,000.00, the sum of P50,000.00 by way of indemnity for the death of the victim and moral damages in the sum of P100,000.00. He is likewise ordered to pay costs.

SO ORDERED.”^[5]

Hence, this appeal.^[6]

The Facts

Evidence for the Prosecution

The Appellee's Brief^[7] presents the facts as follows:

"On May 25, 1993, around one o'clock in the morning, Eulogio Velasco, floor manager of the Cola Pubhouse along EDSA, Project 7, Veteran's Village, Quezon City, was sitting outside the Pubhouse talking with his co-worker, Dorie. Soon, Antonio "Tony" Dometita, one of their customers, came out of the pubhouse. As he passed by, he informed Eulogio that he was going home. When Tony Dometita was about an armslength [sic] from Eulogio, however, appellant Robert Castillo suddenly appeared and, without warning, stabbed Tony with a fan knife on his left chest. As Tony pleaded for help, appellant stabbed him once more, hitting him on the left hand.

Responding to Tony's cry for help, Eulogio placed a chair between Tony and appellant to stop appellant from further attacking Tony. He also shouted at Tony to run away. Tony ran towards the other side of EDSA, but appellant pursued him.

Eulogio came to know later that Tony had died. His body was found outside the fence of the Iglesia ni Cristo Compound, EDSA, Quezon City.

Dr. Bienvenido Munoz, the medico-legal officer who autopsied Tony's cadaver, testified that the proximate cause of Tony's death was the stab wound on his left chest. Tony also suffered several incised wounds and abrasions, indicating that he tried to resist the attack."^[8]

Version of the Defense

On the other hand, the defense viewed the facts in this way: ^[9]

"On May 25, 1993, the late Antonio Dometita was found dead by the police officers at the alley on the right side of the Iglesia ni Cristo Church at EDSA in Bago Bantay.

It is the theory of the prosecution that the deceased Antonio Dometita was stabbed by the accused Robert Castillo y Mones as testified to by Leo Velasco. The corroboration of Leo Velasco's testimony is that of Melinda Mercado who (**tsn Oct. 11, 1993**) stated that Leo Velasco informed her that Dometita was stabbed. Robert Castillo was walking away from the pubhouse with the bladed weapon. Leo Velasco himself detailed the way Castillo stabbed the deceased Antonio Dometita.

On the other hand the defense claims that the deceased died in the alley at the right side of the church. That decedent Dometita was attacked by two malefactors as testified to by Edilberto Marcelino, a tricycle driver who saw two people ganging up on a third. The same witness saw the victim falling to the ground. (TSN January 5, 1994, page 8). A report of Edilberto Marcelino to the Barangay Tanod's Office was made in the blotter of the Barangay and the extract (xerox of the page) was marked as Exhibit '2'."

The Trial Court's Ruling

The court *a quo* gave full credence to the testimonies of the two prosecution witnesses, who positively identified the appellant as the killer. It explained:

“From the testimonies of the witnesses of the prosecution and the defense, it can be gleaned that the accused, to exculpate himself from the liability, clung to the defense of alibi[,] saying that he was not at the place where the incident took place at the time of the killing. This was supported by the testimony of his mother and his neighbor and guide Malikdem. This, however, is contradicted by the testimonies of the two eyewitnesses of the prosecution who positively identified accused as the person who stabbed the victim. While the testimony of Mercado is to the effect that she did not actually see the accused hit the victim, she however, saw him walking away and carrying a bladed weapon at the scene of the crime. Velasco on the other hand, actually saw him lunged [sic] his fan knife at the victim. These were further strengthened by the findings of the medico-legal officer that the weapon used in killing the victim [was] similar to a balisong.”^[10]

The trial court also found that the killing was qualified by abuse of superior strength, because “the accused used a deadly weapon in surprising the victim who [was] unarmed.” Although treachery was present, the trial court held that this was absorbed by abuse of superior strength.

The Issues

The appellant raises the following assignment of errors:^[11]

“I

That the trial court failed to appreciate the evidence presented by the accused that there was a stabbing/mauling incident at the side street near the Iglesia ni Cristo Church at Edsa-Bago Bantay, Quezon City (at about the time of the alleged stabbing of victim [sic] Antonio Dometita according to the prosecution version), the same evidence for the accused being buttressed and supported by the barangay blotter, marked Exhibit ‘2.’

II

That the trial court failed to appreciate the implications of: the medical finding that the heart and the lungs of the victim were impaled; that according to the testimony of the prosecution witness, PO3 Manolito Estacio, the victim was found at the side street near the Iglesia ni Cristo Church; and that that side street distant from the place the witnesses for the prosecution stated the victim was stabbed. These matters create reasonable doubt as to the guilt of the accused and cast distrust on the testimony of the witness Eulogio Velasco who allegedly witnessed the stabbing of the victim.

III

That the trial court in many instances showed its prejudice against the accused and in several instances asked questions that [were] well within the duty of the prosecution to explore and ask; it never appreciated other matters favorable to the accused, like the frontal infliction of the mortal wound and the presence [of] “defense wounds” which negate treachery and superiority.

IV

That the trial judge was bias[ed] against the accused hence the judgement of conviction.”

In the main, appellant questions the trial judge's (1) assessment of the credibility of the witnesses and their testimonies and (2) alleged partiality in favor of the prosecution as shown by his participation in the examination of witnesses.

This Court's Ruling

The appeal is bereft of merit.

First Issue: *Credibility of Witnesses*

Time and again, this Court has adhered to the rule that the factual findings^[12] of the trial court, as well as its assessment of the credibility of witnesses,^[13] are entitled to great weight and are even conclusive and binding, barring arbitrariness and oversight of some fact or circumstance of weight and substance. The evaluation of the credibility of witnesses is a matter that peculiarly falls within the power of the trial court, as it has the opportunity to watch and observe the demeanor and behavior of the witnesses on the stand.^[14] In this case, appellant failed to provide any substantial argument to warrant a departure from this rule.

The testimony of Prosecution Witness Eulogio Velasco that he saw the appellant stab the victim is clear and unequivocal. He was sitting outside the pub house when the victim came out. Dometita, who was then only an arm's length away from him, turned around to say goodbye when, suddenly, the accused came out of nowhere and stabbed the victim. Velasco narrated further that the victim asked him for help; so he responded by placing a chair between the victim and the appellant to block the assault of the accused.^[15] Thereafter, he told Dometita to run away. The accused then chased the victim towards the other side of EDSA.^[16] The relevant portions of Velasco's testimony are reproduced hereunder:

“Q Immediately thereafter, was there any unusual incident that happened?

A When Dorie went inside the pub house, that was the time Tony went out, sir.

COURT:

Q Who is this Tony?

A Antonio Dimatita alias Tony, Your Honor.

PROS. LEE:

Q When Antonio Dimatita [sic] alias Tony went out, what happened?

A Tony asked permission from me that he will go home, sir.

Q And what happened thereafter?

A When he ha[d] not gone far yet from me, Robert Castillo suddenly attacked him and stabbed him, sir.

Q What happened to Antonio Dimatita [sic] alias Tony when he was stabbed by accused Robert Castillo?

A He was taken aback. He was not able to cover up himself and he was hit by the stab made by Robert Castillo, sir.

Q On what part of the body was he hit?

A On the left side of the chest, sir.

Q And did you see in what summer [sic] accused Robert Castillo stabbed Antonio Dimatita [sic]?

A Like this, sir. (Witness demonstrating with his right arm above his shoulder with downward stabbing position.)

Q As you stated, after Tony was hit on the left side of [his] chest, what happened next?

A He was stabbed again and was hit on the arm, sir.

Q What arm? Left or right?

A On the left arm, sir. (Witness is pointing to his left arm in between the 1st and second finger.)

Q After he was hit on the left arm, what happened next?

A He went near me and asked for help, sir. I placed a bench on the middle to block the way so that Robert Castillo [would] not be able to reach him and I told Tony to run away, sir.

Q Did Tony run away thereafter?

A Yes, sir.

Q How about accused Robert Castillo, what was he doing the[n]?

A He chased, sir.

Q What happened next?

A I heard Tony was already dead, sir."

The testimony of Velasco that the accused stabbed the victim on the left side of the chest and then on the left arm was confirmed by the medical findings,^[17] particularly the autopsy report of Dr. Munoz, who testified as follows:^[18]

"COURT

Q Can you tell the Court the relative position of the victim and the assailant when the stab wound was inflicted?

TRIAL PROS. RALPH S. LEE

Based on the wound, doctor.

WITNESS

A If the victim and the assailant were in a standing position, the assailant and the victim would be facing each other and the fatal wound was delivered from upward to downward, your honor."