

THIRD DIVISION

[G.R. No. 124833, July 20, 1998]

PEOPLE OF THE PHILIPPINES, PLAINTIFF-APPELLEE, VS. ROMEO ENRIQUEZ Y NICDAO, ACCUSED-APPELLANT.

D E C I S I O N

ROMERO, J.:

Even as a man's eyes have been said to be the windows of his soul, his conscience serves as his moral compass. Every man has an innate sense of morality but only a few actually follow the strait and narrow. A terrified teenager listened to this still small voice deep within him and, with utter disregard for his personal safety, opted to break his silence so that the truth may be unveiled. In doing so, he chose the right path.

At around 4:30 in the vanishing daylight of June 17, 1991, after a hard day's work at the construction site of Centerville at Tandang Sora, Quezon City, laborers Romeo Enriquez, Manuel Biasa, and Ariel Donato, Jr., began a drinking spree which would have a tragic ending. On their third round, after finishing five bottles of gin, they asked security guard Eduardo Tupig to join them, and the latter acquiesced. Having consumed the last two bottles of gin, they proceeded to take their supper. Enriquez, apparently not having had his fill of alcohol, borrowed P500.00 from Biasa's mother and decided to continue their carousal by going to D'Margs Beerhouse where they danced and had several more rounds of beer. After leaving the beerhouse, around thirty meters away, at the parking lot of a 7-Eleven store at the corner of Tandang Sora and Visayas Avenues, somebody suddenly stabbed Tupig from behind. His three companions rushed him to the East Avenue Medical Center, but Tupig succumbed to the single stab wound at around 11:00 o'clock p.m.

On June 18, 1991, Enriquez, Donato, and Biasa gave their respective statements to the police, and they all blamed a group of ten unidentified men for the death of Tupig.^[1] Four months later, however, Biasa, a protégé of Enriquez, executed two sworn statements dated October 31 and November 22, 1991, pointing to his patron as the one who stabbed Tupig and to Donato as the accomplice.^[2] On the basis of this development, an information for murder dated November 27, 1991, was filed against Enriquez and the then still unknown Donato who remains at large.

At the hearings on March 11^[3] and April 14,^[4] 1992, the 19-year old Biasa affirmed his two later sworn statements and testified that he was allegedly threatened with death by Enriquez and Donato unless he supported their narrative. He stated that on the night in question, as they were about to leave for the beerhouse, he brought along his double-bladed knife upon Enriquez' behest, apparently for protection.^[5] During their beer-drinking session, and while Tupig was relieving himself, Enriquez asked for the knife which Biasa passed under the table. On their way home, Enriquez drew this same knife from the waist of his pants and stabbed Tupig's left

side from behind.^[6] With Tupig prostrate on the ground, Enriquez hailed his two companions, then returned the knife to Biasa who gingerly accepted it. On their way to the hospital, Enriquez retrieved the knife and threw it into a creek.^[7] At the emergency room of the East Avenue Medical Center, while the doctors were trying in vain to save Tupig's life, Donato grabbed Biasa by the collar, hauled him to a dark spot in the hallway, hit him at the back of the head, and warned him under pain of death not to tell a story to the police different from the version agreed upon by the other two.^[8]

Upon examination by Medico-Legal Officer Bienvenido O. Muñoz of the National Bureau of Investigation, it was concluded that Tupig died of "hemorrhage secondary to stab wound."^[9]

Enriquez stuck to his earlier statement and maintained that after spending time at the D'Margs Beerhouse with his friends, he was trying to get a taxicab outside a 7-Eleven convenience store when a group of ten unidentified men suddenly attacked his companions, resulting in the unfortunate demise of Tupig.^[10]

The other defense witness, SPO1 Armando Cruz, testified that he failed to find any witness to the alleged "rumble" when he investigated the crime scene.^[11]

After trial on the merits, Judge Felix M. de Guzman of the Regional Trial Court of Quezon City, Branch 99, rendered judgment, the decretal portion of which reads thus:

"WHEREFORE, premises considered, this Court finds accused ROMEO ENRIQUEZ Y NICDAO GUILTY beyond reasonable doubt of the crime of MURDER penalized under Article 248 of the Revised Penal Code, without any mitigating or aggravating circumstances, and hereby sentences said accused to suffer the penalty of imprisonment of reclusion perpetua and to pay the heirs of the deceased victim damages in the amount of FIFTY THOUSAND PESOS (PH50,000.00) pursuant to the decision of the Supreme Court in People vs. Jose Adriano y Vargas (G.R. No. 104578, September 6, 1993).

It is understood that accused shall be credited in full of his preventive imprisonment.

SO ORDERED."

Enriquez is now before this Court still asserting his innocence and insisting that the trial court's factual findings are erroneous. He also claims that the initial, not the later, sworn statement of Biasa should have been considered by the court.

Accused-appellant's conviction must stand.

Before proceeding, this Court reiterates its policy of paying fidelity to the factual findings of the trial court, especially when, as in the case at bar, there seems no plausible reason to abandon its conclusions.