

PEOPLE OF THE PHILIPPINES, PLAINTIFF-APPELLEE, VS. KURVEAN JOHN SEBASTIAN Y HERNANDEZ, ACCUSED-APPELLANT.

Ponente: BRUSELAS, JR. J.

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BRUSELAS, JR. J.:

We are confronted with the accused-appellant's Motion for Reconsideration[1] of our Decision promulgated on 26 June 2014, vis-a-vis the plaintiff-appellee's Comment thereto.[2]

In said motion, the accused-appellant maintains his innocence. He avers that the Court failed: 1) to take note of the two (2) conflicting and irreconcilable versions of the "hold up" incident as presented by the prosecution which created a reasonable doubt on the identification of the accused as the perpetrator; and 2) to establish the identity and source of the bullet that hit Sebastian which are indispensable due to the conflicting stories of PO2 Mabazza and Canezo and Sebastian's defense of being a passenger.

With the foregoing, what the accused-appellant effectively now demands from the Court is to take a second look at its earlier findings, which all have been extensively discussed and resolved in the decision sought to be reconsidered.

We find it worthy to highlight the important rulings in our decision,

"Contrary to Sebastian's arguments, Canezo's account of the incident was corroborated by that of PO2 Mabazza's testimony on material points. We find that the alleged disparity in their testimony concerns only a trivial matter, which may be attributed to the different vantage points from which the witnesses observed the event. It pertains to a minute detail, and should not affect the truthfulness of the account by the eyewitnesses. Not all inconsistencies of a witness would render his testimony unworthy of credence. Inconsistencies on minor details reinforce rather than weaken credibility.

In the present case, what is material is that both PO2 Mabazza and Canezo, both eyewitnesses to the crime, positively identified appellant Sebastian as one of the individuals who participated in the robbery and the eventual killing of Zamora during the robbery. The testimonies of both prosecution witnesses described specifically the role that Sebastian played, together with his other conspirators, in the commission of the crime. The prosecution's evidence clearly established the identities of both Sebastian and Gonzaga; that they were the very same persons who took their valuables; and that one of the robbers fired a gun towards the PUJ, which caused the death of passenger Zamora."

We therefore find no valid reason to disturb our earlier decision. The accused-appellant's motion contains merely a reiteration or rehash of arguments already submitted and determined to be without merit by the Court. We are not convinced that a modification of the latter is warranted.

WHEREFORE, for lack of merit, the accused-appellant's Motion for Reconsideration is DENIED.

IT IS SO ORDERED.

Salazar-Fernando, (Chairperson), and [*]Barrios, JJ., concur.

[1] Rollo, pp. 119-127.

[2] Ibid, pp. 132-135.

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