

PEOPLE OF THE PHILIPPINES, PLAINTIFF-APPELLEE, VS. REO DALIMPAPAS PAJARES, RAMOS KAPQUIAN LONGKOP, GERRY LAODENEO PAJARES AND LITO MONCADA BALADAD, ACCUSED-APPELLANTS.

G.R. No. 101229. January 20, 1995

Ponente: MELO, J.

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MELO, J.:

Accused-appellants were charged with the crime of robbery with homicide in an Information reading as follows:

That on or about the 3rd day of September, 1990 in the Municipality of Teresa, province of Rizal, Philippines and within the jurisdiction of this Honorable Court, the above-named accused, conspiring and confederating together and mutually helping and aiding with one another with intent of gain and by means of force, violence and intimidation, did then and there willfully, unlawfully and feloniously take, steal and carry away two (2) wrist watch[es] and cash amounting to P1,500.00 belonging to Alfredo R. Rosales and Norma T. Rosales to the damage and prejudice of the latter in the aforementioned amount of P1,500.00; that on the occasion of the aforesaid robbery, in pursuance of their conspiracy, with intent to kill and armed with a dagger, did then and there, willfully, unlawfully and feloniously attack, assault and stab one Alfredo R. Rosales on the right portion of his body thereby inflicting to the latter mortal stab wounds which directly caused his death.

(p. 3, Rollo .)

After trial, the court a quo convicted the accused in a decision dated June 13, 1991, the dispositive portion of which reads as follows:

WHEREFORE, the Court find[s] the accused REO PAJARES y Dalimpapas, RAMON LONGKOP y Kapquian, GERRY PAJARES y LAODENEO and LITO BALADAD y Moncada GUILTY of the Crime of Robbery with Homicide under Article 294, (paragraph 1) of the Revised Penal Code, as amended, and hereby sentences each of them to the penalty of Reclusion Perpetua.

They are ordered to pay jointly and severally the heirs of Alfredo Rosales in the amount of Two Thousand Eight Hundred Pesos (P2,800.00), Philippine Currency, the value of the unrecovered stolen cash money and two Seiko wrist watches.

They are further ordered to pay jointly and severally as reimbursement of the autopsy, funeral and burial expenses incurred in the amount of Sixteen Thousand Pesos (P16,000.00), and lastly to pay jointly and severally the heirs of the deceased Alfredo Rosales, as indemnity, in the amount of P50,000.00.

(p. 21, Rollo .)

All convicted accused have interposed the instant appeal and although they do not submit an assignment of errors in their brief, it can be gathered from their discussions that they assail the findings of fact of the trial court as

contrary to the evidence.

A scrupulous evaluation of the evidence on record readily discloses that the following statement of the facts of the case presented by the Office of the Solicitor General is fully supported by the evidence:

At around 12:50 o'clock in the afternoon of September 3, 1990, while the deceased Alfredo Rosales and his wife Norma were walking along an alley on their way home in Sitio Malalim Bulak, Teresa, Rizal, the four (4) appellants suddenly came out of a nearby bamboo grove and surprised the said couple (p. 3, tsn, Mar. 12, 1991). Without uttering any word, appellant Reo Pajares immediately stabbed Alfredo at the back which caused the latter to fall down on the grass (Ibid.). Then, appellants Gerry Pajares and Ramon Longkop approached Norma (who was seven (7) months pregnant at that time) and pointed their knives at the left and right (sic) side of her stomach (Ibid.). Immediately thereafter, Gerry Pajares divested her of her "Seiko 5" wristwatch, while Longkop took away the P1,500.00 cash money in her possession (p. 5, tsn, Ibid.)

In the meantime, the other appellant Lito Baladad held the two hands of the injured Alfredo, and again, Reo Pajares stabbed the said victim at the left side of his body, after which, Baladad took away Alfredo's "Seiko 5" wristwatch (pp. 4-5, tsn, Ibid.).

After their assailants had run away, Norma was able to ask for help from a Barangay Tanod who assisted her in bringing her fatally injured husband to the hospital (p. 6, tsn, Ibid.). Shortly after arriving at the Morong General Hospital, Alfredo died on that same fateful day of September 3, 1990 (Ibid.; Exh. "A").

Acting on the request for autopsy examination by the Station Commander of the Rizal, INP District III in Teresa, Rizal Emmanuel Aranas, a Medico-Legal Officer of the Philippine National Police stationed at the Crime Laboratory Service in Camp Crame, Quezon City, performed the postmortem examination on the body of the deceased (pp. 12-14, tsn, Mar. 13, 1991), and thereafter prepared Medico-Legal Report No. M?1551-90 (Exh. "K") which contains the following findings and conclusions:

FINDINGS:

Fairly developed, fairly nourished male cadaver in early stage of decomposition. There is a tattoo mark at the proximal 3rd of the right arm and a thoracostomy incision at the right coastal region, measuring 2 x 0.4 cm., 17.5 cm. from the anterior midline with 3 stitches applied.

TRUNK:

1) Stab wound, chest, measuring 1.5 x 0.5 cm., 8 cm. right of the anterior midline, with 2 stitches applied, 11.5 cm. deep, directed posteriorwards, downwards and medialwards, fracturing the 5th right thoracic rib, lacerating the middle and lower lobes of the right lung.

2) Stab wound, right lumbar region, measuring 2.5 x 0.5 cm., 4.5 cm. from the posterior midline with 2 stitches applied, 3 cm. deep, directed anteriorwards, slightly downwards and lateralwards, lacerating the underlying soft tissues.

Stomach is 1/4 full of partially digested food particles consisting mostly of rice and the rest of the visceral organs are grossly unremarkable.

Conclusion:

Cause of death is hemorrhage as a result of stab wounds of the trunk. (Exh. K-4 and K-5).

(pp. 3-7, Appellee's Brief.)

Accused-appellants assail the testimony of prosecution witness Norma Rosales, the wife of the deceased victim,

maintaining that her testimony creates a doubt that a robbery took place. In support of their contention, accused-appellants point out to a portion of her testimony where she testified that the wristwatch forcibly taken from her belonged to her brother. Said portion of her testimony does not in any way detract from her testimony. Whether or not the watch violently taken from her belonged to her or to her brother is totally immaterial. The essential fact elicited from her testimony was that the watch she was wearing was forcibly taken from her.

Further, accused-appellants deride the testimony of Norma Rosales identifying the money laid down at the table at the Municipal Hall by the police, consisting of a P10 and a P5 bills as the money taken by accused-appellants from her husband. Accused-appellants maintain that Norma Rosales merely presumed that the money bills were the ones taken from her husband by accused-appellants. Again, we find nothing in her questioned testimony that would impair her credibility. Whether or not only P15 was taken from the deceased is wholly immaterial. The crucial thrust of her testimony is that she saw accused-appellants take money from her mortally wounded and helplessly fallen husband. Furthermore, it is inconceivable that the arresting police officers would substitute the money bills they found in the possession of accused-appellants with other bills. The record does not show that the arresting police officers did so.

In the ultimate analysis, the questions raised by accused-appellants turn upon the credibility of witnesses. We have steadfastly upheld the rule that, on matters of credibility of witnesses, the assessment made by the trial court must be accorded great respect by appellate courts unless the trial court has disregarded, ignored or overlooked certain facts or circumstances of weight and significance, which if taken into consideration would alter the outcome of the case.

The credibility of witnesses has always been the area of responsibility of the trial court and its findings and conclusions on the matter are respected and given great weight by the appellate courts. The trial court's findings on the matter may only be disregarded by this Court if there are facts and circumstances which were overlooked by the trial court and which would substantially alter the results of the case; where the judgment is based on a misapprehension of facts; and where the inferences of the trial court from the facts are manifestly absurd or impossible.

(People vs. Acuram, 209 SCRA 281, 288-289 [1992])

Combing through the record we find no such fact or circumstance which would in the least warrant a reversal of the findings of the trial court, which must, therefore, be respected.

WHEREFORE, the decision appealed from is HEREBY AFFIRMED.

SO ORDERED.

Feliciano, (Chairman), Bidin, Romero, and Vitug, JJ., concur.

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