

PEOPLE OF THE PHILIPPINES, PLAINTIFF-APPELLEE, VS. ROEL DE LA PENA Y RECILLAS, ACCUSED-APPELLANT.

G.R. No. 104839. April 29, 1994

Ponente: PADILLA, J.

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PADILLA, J.:

In an information dated 30 September 1991, Roel de la Pena was charged before the Regional Trial Court of Valenzuela, Metro Manila, Branch 172, in Criminal Case No. 583-V-91, with having committed the crime of murder in the following manner:

"That on or about the 27th day of September 1991 in Valenzuela, Metro Manila, Philippines, and within the jurisdiction of this Honorable Court, the above-named accused, without any justifiable cause, with treachery and evident premeditation and with deliberate intent to kill, did then and there wilfully, unlawfully and feloniously attack, assault and stab with a double bladed dagger one GERMAN PINEDA Y DIOKNO, hitting the latter on the left upper portion of his back, thereby inflicting serious physical injuries which directly caused his death.

Contrary to law."¹

Upon arraignment on 4 October 1991, accused-appellant pleaded not guilty to the offense charged. Trial on the merits thereafter ensued.

The following facts, culled from the testimonies of five (5) prosecution witnesses, established their version of how the offense was committed.

The lone eyewitness to the actual stabbing was Alfredo P. Dizon, a friend and neighbor of the victim German Pineda. He testified that on 27 September 1991, he happened to pass by the corner of M. H. del Pilar and Duque Streets (in Malanday, Valenzuela, Metro Manila) after buying some gas (kerosene) at a nearby Petron gasoline station. Near the corner of the two (2) streets was a bank where he chanced upon German Pineda seated on a bench about five (5) meters away from the said bank. He stopped and sat beside German to exchange a few pleasantries. German told him that he was waiting for his brother who was coming home from school to provide him with a pair of rubber boots because their place was then flooded.

While they were engrossed in talking, Alfredo noticed a man on the other side of the street facing them headed in their direction. He paid no attention to the man as the latter passed by them, thinking that the man was just searching for a corner to urinate. All of a sudden, the man came from behind them and without provocation stabbed German Pineda at the back. Almost simultaneously, Alfredo turned his head back and saw the face of accused-appellant whom he saw then for the first time.

As the assailant immediately fled from the scene, German Pineda, although wounded and injured, was still able to run towards a nearby chapel and shouted "Tay, may tama ako", before he fell down which caught the attention of his father and the other people who happened to be nearby. Alfredo said he also ran towards the other side of the

road to ask for help.²

Joselito Dizon, a brother of Alfredo, was near the vicinity of the crime scene at that time. He was at a certain Adang Lorenzo's store, near the corner of M. H. del Pilar and Duque Streets together with one Jojo Marcelo and seven (7) other neighbors when he saw his brother Alfredo and German Pineda suddenly running away from the corner of the aforementioned streets and heard the latter shouting, "Tay, may tama ako."³

Joselito further testified that he saw accused-appellant running away from the scene of the crime for which reason he and his companions, hearing Pineda's shout, immediately gave chase and apprehended accused-appellant in R.P. Buluran St. along McArthur Highway (still in Malanday). On cross-examination, he stated that it was a police aide named Chito Espiritu who arrested the accused and confiscated a double bladed knife from his person.

Joselito also declared that he did not know the accused personally, although he had seen him previously, about three (3) to four (4) times, walking along M. H. del Pilar Street.⁴

Arsenio Pineda, the victim's father, testified that at the time of the incident, he was eating in a lugawan store near the chapel of Malanday near M. H. del Pilar and I. Fernando Streets. He had just finished his meal when he heard the voice of his son German, calling him, "Tay, may tama ako," after which he saw him fall down near the chapel.

Arsenio then saw a man running away tucking under his waistband what appeared to him as a long instrument. Instinctively, he followed the man. When he passed by the nearby Petron gas station in Malanday, he chanced upon Chito Espiritu, a police aide from Obando, Bulacan filling his jeep with fuel. He sought the help of Espiritu as he informed him about the man who had just stabbed his son. Together they rode on Espiritu's jeep and continued to follow the suspected assailant.

At Buluran street, near the McArthur Highway, they saw accused-appellant being apprehended by the other people who also chased him from M. H. del Pilar Street. They arrived at the scene and Police Aide Chito Espiritu announced his presence to pacify the townsfolk who were then mauling accused-appellant. The accused was arrested and he went with Chito Espiritu to the Police Headquarters in Valenzuela where he gave his statement to the police.⁵

Chito Espiritu corroborated the testimony of Arsenio Pineda. He confirmed that it was he who was responsible for the arrest of the accused; that when he was approached by Arsenio Pineda at the Petron gasoline station to ask for help, the latter pointed to him the accused whom he saw running. Taking his jeep, they chased the accused and when they drew near him, he saw accused-appellant throw the bladed weapon he was carrying into a flower pot. By then, the other persons caught up with accused-appellant and they started to maul him. He pacified these persons, dragged the accused inside his jeep, and brought him to the Valenzuela Police Station.⁶ He also instructed a person who was present there, to get the bladed weapon from the flower pot where he saw it thrown by the accused. When he recovered it, he recounted that it was still wet with fresh blood. Before the court a quo, Chito Espiritu identified the weapon presented to him as the same murder weapon recovered from accused-appellant.⁷

The prosecution also presented the report of autopsy⁸ conducted on German Pineda. Dr. Renato C. Bautista, an NBI-Medico Legal examiner, testified that German suffered only one stab wound located at the back on the left side of the body perforating the upper and lower lobes of the left lung, causing severe hemorrhage which eventually caused German Pineda's death. He opined that the weapon used in inflicting the wound on the victim could have been a sharp pointed single bladed instrument. On cross-examination, he admitted that he was not able to examine the murder weapon and that he just based his opinion on the stab wound itself.⁹

The defense presented only two (2) witnesses, the accused himself, and his mother Lucita de la Pena.

Lucita de la Pena averred that on 27 September 1991, his son arrived home from work at about 5:30 P.M. At that time, the relatives of her husband were in their house on a visit prior to their departure for the province the following day. She said that her guests bought some six (6) bottles of beer and invited her son to drink. Her son obliged. Her guests left the house at about 8:00 P.M. and her son accompanied them to the Petron station at Malanday to get a ride. She was watching television when a neighbor knocked at her door and informed her that her son was arrested by the police. She waited for the following day and when she went to the police headquarters to verify the news, she saw her son at the police headquarters, his face swollen and bleeding. He allegedly told her that the police mauled him after he was apprehended for being a suspect in a stabbing incident in Malanday.¹⁰

Accused-appellant corroborated his mother's story except that he stated that he and his relatives drank two (2) round bottles of gin.¹¹ He added that he was suddenly picked up by Police Aide Chito Espiritu for no apparent reason and who said "Tigil, mga pulis kami!" He averred that Espiritu tore up his shirt and when he was brought to the police station, he was already half-naked.

Accused-appellant further testified that Chito Espiritu and Arsenio Pineda were on board a passenger jeep not an owner type vehicle. He did not know German nor Arsenio Pineda and harbored no grudge against them.

When he was brought to the police precinct, accused-appellant told the court that he was not investigated but just told to sit down. He professed complete innocence of the crime that he was being charged with as he intimated to the court that one of the prosecution witnesses, Joselito Dizon, was not really present at the crime scene but was only coached by Arsenio Pineda to point and identify him (accused-appellant) as his son's murderer.¹²

From these two (2) different factual versions, the court a quo rendered a judgment* of conviction on 14 February 1992, the dispositive part of which reads:

"WHEREFORE, the court finds the accused Roel Dela Pena guilty beyond reasonable doubt of the crime of Murder, and hereby sentences him to suffer the penalty of RECLUSION PERPETUA (People vs. Munoz 170 SCRA 107); to indemnify the heirs of the victim in the sum of P50,000.00 and to pay the costs.

SO ORDERED."¹³

Aggrieved, accused-appellant interposed the present appeal assigning the following errors to the trial court:

I.

THE TRIAL COURT GRAVELY ERRED IN GIVING WEIGHT AND CREDENCE TO THE OTHERWISE DOUBTFUL VERSION OF THE PROSECUTION AND IN DISREGARDING THAT OF THE OFFENSE, (DEFENSE).

II.

THE TRIAL COURT GRAVELY ERRED IN NOT ACQUITTING ACCUSED-APPELLANT OF THE CRIME CHARGED DESPITE THE PROSECUTION'S UTTER FAILURE TO PROVE HIS GUILT BEYOND REASONABLE DOUBT.

The defense asseverates that while it adheres to the settled rule that with regard to the credibility of witnesses, the trial court's findings and conclusions are binding upon appellate courts, the case at bench should fall under one recognized exception to said rule and that is, where the trial court has plainly overlooked certain facts of substance and value that if considered, might affect the result of the case.

The defense claims that the testimonies of Alfredo Dizon, Joselito Dizon, Arsenio Pineda and Chito Espiritu were fraught with irreconcilable inconsistencies and patent improbabilities. Accused-appellant heavily relies on the

affidavit¹⁴ of Alfredo Dizon to show that witnesses Joselito Dizon and Arsenio Pineda were not in the vicinity of the crime scene when the incident occurred.

In *People vs. Villanueva*,¹⁵ we ruled that:

"An affidavit taken ex-parte is about always incomplete and often inaccurate sometime from partial suggestion and sometimes from want of suggestion and inquiries without the aid of which the witness may be unable to recall the connected collateral circumstances necessary for correction of the first suggestion of his memory and for his accurate recollection of all that belongs to the subject. Moreover, affidavits are frequently not complete productions of what the declarant had in mind considering that affidavits are frequently prepared by administering officer and couched in the latter's language or the latter's understanding of what the affiant had said while the affiant simply signs that affidavit after the same has been read to him."

Accused-Appellant further belittles the testimonies of Joselito Dizon and Arsenio Pineda who "categorically admit-ted that they did not actually see the stabbing incident", viz:

"x x x. Joselito Dizon's testimony was to the effect that he only saw Alfredo Dizon and German Pineda suddenly running away from the bench of the bank and the appellant tucking in his waist a one foot long double-bladed knife (tsn, p. 6, October 25, 1991). Arsenio Pineda claimed, for his part, that he was called by his son German saying, 'Tay, may tama ako' and whereupon saw appellant across the street tucking in his waist a double-bladed weapon and as if waiting for a ride (tsn, p. 10, November 11, 1991)." (p. 10 Appellant's Brief)

At the same time, however, he conveniently forgets that these are the very same circumstances, duly proven at the trial, which "tied the loose ends of the prosecution's case."¹⁶ Evidentially, it is not essential that an eye-witness saw appellant in the act of stabbing German Pineda. Direct evidence was not necessary to sustain appellant's conviction. In conjunction with Rule 133, Section 4 of the Rules of Court¹⁷, the circumstances cited by appellant constitute but "a part of an UNBROKEN CHAIN which leads to but one fair and reasonable conclusion pointing to appellant, to the exclusion of all others as the guilty person."¹⁸

Further, accused-appellant casts aspersion as to why Alfredo Dizon did not immediately respond in bringing his friend German to the hospital or why he did not join the others in chasing appellant and reporting the incident immediately to the police authorities.

In *People vs. Biago*,¹⁹ we recognized that "the working of the human mind when placed under emotional stress is unpredictable." There is no standard form of behavior when one is confronted by a shocking occurrence.²⁰ In fact, we have ruled that even a delay in reporting the incident does not negate the credibility of witnesses.²¹

Accused-appellant also places much emphasis on the alleged discrepancy of whether Police Aide Espiritu used his service jeep or rode in a jeepney in chasing the accused. Suffice it to say that the alleged inconsistency is but a natural thing and even enhances witness Espiritu's credibility as this minor discrepancy could also indicate that the response given by him was honest and unrehearsed.²²

The paucity of evidence as to any improper motive, bias or interest to falsely testify against the accused further reinforces the proposition that witnesses do not falsely impute to an accused a serious criminal offense were it not the untarnished truth.

In rejecting his defense of alibi and that he was only arrested as a "fall-guy", the Court agrees in full with the finding and conclusion of the trial court; viz:

"Of vital importance and very credible is the statement (Exh. D) given by Arsenio Pineda, father of the victim given to the police about two hours after the stabbing of his son, a time when the incident was still fresh in his mind, and he had no time to concoct or fabricate a story. The contents of this statement tally with the oral

testimony of said Arsenio Pineda in Court, especially those statements that show that he was at M.H. del Pilar Street where his son shouted to him that he was stabbed and hit and that he saw the accused tucking a bladed weapon at his back and was attempting to escape from the scene by running away; that he chased the man with the help of Police Aide Chito Espiritu and with the townfolks who succeeded in catching said man, the accused herein Roel Dela Pena who was even mauled by said townpeople that he was mauled was admitted by the accused himself in Court, resulting in the tearing off of his shirt. All these were corroborated by the Police Aide Chito Espiritu in his Sinumpaang Salaysay (Exh. L, L-1). This witness even testified on his act of recovering the bladed weapon (Exh. F) which the accused upon being about to be caught pulled out the bladed weapon from his waist and threw it away and which landed in a flower pot still wet with blood.

The testimonies of two eyewitnesses in the actual stabbing, Joselito and Alfredo Dizon were clear, straight forward, and credible. The oral testimonies of Joselito Dizon tally with his statement given on the same night a few hours after the stabbing. Alfredo Dizon testified that he was with the victim when he actually saw Roel Dela Pena stab the victim at the back and heard the victim say "Tay may tama ako".

The fact is un rebutted - that the accused, right after he stabbed the victim, ran away but was chased and caught. The accused admitted the people caught him and tore his shirt. This admission runs counter to his defense that he was at home at the time. His testimony that he was at home at the time runs counter to his testimony that the time of the night he accompanied his two visitors to the 'Petron' where they could get a ride for home. The stabbing happened in that vicinity."²³

WHEREFORE, We AFFIRM the appealed judgment in toto, the same being in conformity with the evidence and the law.

SO ORDERED.

Narvasa, C.J., (Chairman), Regalado, and Puno, JJ., concur.

1 Rollo, p. 3

2 TSN, 11 October 1991, pp. 3-9

3 TSN, 25 October 1991, pp. 3-11

4 TSN, November 28, 1992, p. 9

5 TSN, 11 November 1991, pp. 3-11

6 TSN, 18 December 1991, pp. 3-8

7 TSN, 13 January 1992, p. 4; Exh. "F" for the prosecution.

8 Exhibit 6.

9 TSN, 22 January 1992, pp. 2-13

10 TSN, 5 February 1992, pp. 3-11

11 TSN, 12 February 1992, p. 7

12 Ibid. pp. 9-13

* Penned by Judge Teresita Dizon Capulong

13 Rollo, p. 21

14 Exhibit "A" for the prosecution.

15 G.R. No. 96469, 21 October 1992, 215 SCRA 22, 28-29

16 Appellee's Brief, Rollo, p. 92

17 Sec. 4. Circumstantial evidence, when sufficient - Circumstantial evidence is sufficient for conviction if:

a) There is more than one circumstance;

b) The facts from which the inferences are derived are proven; and

c) The combination of all the circumstances is such as to produce a conviction beyond reasonable doubt.

18 Supra, Footnote 16

19 G.R. No. 54411, 21 February 1990, 152 SCRA 411

20 People vs. Salufrania, G.R. No. 50884, 30 March 1988, 159 SCRA 401

21 People vs. Conciller, G.R. No. 97296, 4 March 1992, 206 SCRA 827

22 People vs. Motante, G.R. Nos. 86492-94, 20 December 1994, 192 SCRA 483.

23 Decision p. 6, Rollo, p. 26

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