

PEOPLE OF THE PHILIPPINES, PLAINTIFF-APPELLEE, VS. ANDRES R. MACUHA AND DIONARIO “DIONY” NAZARENO (AT-LARGE), ACCUSED. ANDRES R. MACUHA, ACCUSED APPELLANT.

G.R. No. 110085. July 06, 1999

Ponente: PARDO, J.

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PARDO, J.:

The case before the Court is an appeal of accused Andres R. Macuha from the decision[1] of the Regional Trial Court, Branch 27, Santa Cruz, Laguna, convicting him of murder, and sentencing him to reclusion perpetua, and to pay the heirs of the victim Virgilio Pural, Jr., the sum of fifty thousand pesos (P50,000.00), and costs.

On September 10, 1990, Assistant Provincial Prosecutor Felipe L. Arcigal, Jr. of Laguna filed with the Regional Trial Court, Laguna, an Information charging Andres R. Macuha and Dionario "Diony" Nazareno with murder, committed as follows:

"That on or about 7:00 o'clock in the evening of June 19, 1990, at Barangay San Antonio, Municipality of Pila, Province of Laguna and within the jurisdiction of this Honorable Court, the above-named accused, conspiring, confederating and mutually helping one another, when the accused DIONARIO NAZARENO while conveniently provided with a knife handed the said deadly weapon to accused ANDRES MACUHA, who without any justifiable cause, by means of treachery, evident premeditation and with intent to kill, did then and there willfully, unlawfully and feloniously attack, assault and stab one Virgilio Pural, Jr. at his back and at the different parts of his body which caused his instantaneous death, to the damage and prejudice of his surviving heirs.

CONTRARY TO LAW."[2]

At the arraignment on November 27, 1990, Andres R. Macuha, assisted by counsel, entered a plea of not guilty. Co-accused Dionario "Diony" Nazareno was, and still remains at large.

The facts are as follows:

On June 19, 1990, at six thirty in the evening, Solita Pural was in front of the house of accused-appellant Andres R. Macuha,[3] herding ducks into the pen. Her husband, Virgilio Pural, Jr. arrived and inquired why the ducks had not been kept in the pen earlier. Solita replied that the ducks refused to obey her.

At that time, Macuha was at home, drinking with Dionario Nazareno. Solita overheard Macuha say that he wanted to kill somebody.[4] Nazareno handed a hunting knife to Macuha.

Macuha uttered threats against Virgilio Pural, Jr., who raised his hands and moved backward, not wishing to fight back. When Pural turned to go home, Macuha stabbed him from behind. Pural, standing on the bank of an irrigation canal in front of Macuha's house, fell into the canal. His wife yelled at him to run. He tried to stand up but he could not get out of the canal because it was deep. Macuha overtook him and stabbed him again at the back. Nazareno, meanwhile, stayed at the bank of the canal.

After the second stab, Pural fell on his stomach. Macuha turned him to lie on his back and then stabbed him on the breast.[5] Macuha and Nazareno ran towards the street and disappeared from the scene.

Solita shouted for help, to which her brother-in-law, Joel Pural responded. Together, they brought Virgilio to the Laguna Provincial Hospital. Virgilio died at eight in the evening of that same day.

Dr. Milo Pempengco of the Rural Health Unit of Santa Cruz, Laguna, examined the victim and issued a report, stating that the deceased Virgilio Pural Jr. suffered from three stab wounds at the back and one wound, the most fatal one, in front, on the left nipple area.[6] The medico-legal expert described the injuries as follows:

"CHEST: Stab wound measuring about 3 cm. x 1.5 cm. x 13 cm. at the right chest at the level 3rd inter-costal space. Right mid-clavicular area.

BACK: Stab wound measuring about 3 cm. x 1 cm. x 4 cm. at the level of 8th Parathoracic vertebrae Left.

Stab wound measuring about 4 cm. x 1 cm. x 7 cm. at the level of 4th inter-costal space left mid scapular area.

Stab wound measuring about 2.5 cm. x 1 cm. x 2 cm. at the level of 5th Parathoracic vertebrae Right."[7]

On October 1, 1990, three months after the incident, Andres Macuha voluntarily surrendered to the Philippine National Police (PNP) of Pila, Laguna.

On March 30, 1993, the Regional Trial Court of Laguna rendered a decision,[8] the dispositive portion of which states as follows:

"WHEREFORE, the guilt of the accused Andres Macuha having been established beyond reasonable doubt, the Court imposes upon him the penalty of RECLUSION PERPETUA and to pay the heirs of the victim Virgilio Pural, Jr. the sum of FIFTY THOUSAND PESOS (P50,000.00) and to pay the costs.

"SO ORDERED.

"Santa Cruz, Laguna, March 30, 1993.

"(s/t)ZORAYDA HERRADORA-SALCEDO

"Judge"[9]

Accused Andres R. Macuha interposed an appeal to the Supreme Court, raising the issue of credibility of prosecution witness Solita Pural. However, she positively identified accused-appellant as the assailant in the killing of Virgilio Pural, Jr.

In this appeal, accused-appellant insists that on June 19, 1990, at six o'clock in the evening, Dionario Nazareno came to the house of accused-appellant Andres Macuha to receive his salary. Liza Macuha, wife of appellant, told Nazareno to wait because his salary was being procured from the town.

At this time, Marcelino Pural, brother of deceased Virgilio Pural, Jr., arrived, looking for Andres Macuha, and asking why Macuha failed to attend the baptismal party of his son. Liza Macuha apologized and explained that her husband had to work that day. Marcelino Pural showed them a hand grenade, saying that he intended to ignite it if Macuha were there. Liza and Nazareno attempted to pacify Marcelino, telling him that the reason for his anger was very minor. Marcelino, however, shoved Nazareno, and left the house, warning everyone that he would return to blast the grenade as soon as Macuha arrived.

Later, at around seven o'clock in the evening, Macuha came home and was informed of the threats made by Marcelino. Macuha stated that he had apologized for his failure to attend the baptismal party and had not done anything wrong against the Pural brothers.

At that moment, Virgilio Pural, Jr. entered the house of Macuha. Virgilio asked what Marcelino did against Macuha. Accused-appellant stated that Marcelino, without provocation, had thrown insults at him and had pointed a gun at him at noontime earlier that day. Virgilio then uttered an invective and drew a knife from his waist. He thrust the knife towards Macuha, but the latter managed to get hold of the knife. They grappled for possession of the knife until they stumbled out of the house. The wife of Virgilio Pural, Jr., who was standing outside the house, saw them and started shouting for help. Macuha and Virgilio fell into the irrigation canal.

Virgilio tried to stab Macuha several times until they heard a shout from a woman asking for help from Marcelino and his father. Because of fright and the knowledge that the Pural family possessed firearms, Macuha pushed Virgilio away from him and ran. Macuha denied having stabbed Virgilio with the knife.

Macuha returned to his house the next day, only to discover that his family had left, and that a portion of his house had been burned and riddled with bullets.

He proceeded to the house of his sister-in-law, Yolanda Villanueva, at Barangay San Antonio, Pila, Laguna, to verify the whereabouts of his family. Yolanda informed him that he should leave the place because the family of Virgilio Pural, Jr. was looking for him, and suspected him of killing Virgilio. Macuha left and continued searching for his family in different barangays.

On September 30, 1990, he voluntarily surrendered to the authorities in the Municipal Hall of Pila, Laguna, and was turned over to the police on October 1, 1990.

In this appeal, accused-appellant Andres R. Macuha contends that the testimony of Solita Pural should not be given credence because she is a biased witness, being the wife of the victim.

It is well-settled, however, that "relationship by itself does not give rise to a presumption of bias or ulterior motive, nor does it ipso facto impair the credibility or tarnish the testimony of a witness. The natural interest of witnesses, who are relatives of the victim, in securing the conviction of the guilty would deter them from implicating persons other than the true culprits, otherwise, the guilty would go unpunished. A witness' relationship to a victim of a crime would even make his or her testimony more credible as it would be unnatural for a relative who is interested in vindicating the crime to accuse somebody other than the real culprit." [10]

Moreover, where the credibility of witnesses is in issue, as in this case, the appellate courts will generally not disturb the findings of the trial court, for it is in a better position to determine the issue, having the advantage of hearing and observing the deportment of the witnesses during trial. [11]

The lower court gave credence to the testimony of Solita Pural, wife of the victim, because it is consistent, candid, and credible. She testified in unequivocal terms that, from a distance of one meter from the appellant, she heard him say that he wanted to kill somebody, [12] and stood one meter away from the victim when the accused-appellant stabbed him at the back. [13] She also witnessed the accused-appellant stab the victim several times. [14]

Such positive identification by an eyewitness has greater weight than the unsubstantiated denial of the accused. [15] Denial, like alibi, is a weak defense, which becomes even weaker in the face of positive identification of the assailant by an eyewitness. [16]

Moreover, denial, being a negative defense, must be substantiated by clear and convincing evidence. Otherwise, it would merit no weight in law and cannot be given greater evidentiary value over the testimony of credible witnesses who testified on affirmative matters. [17]

Accused-appellant denied having stabbed the victim, but admitted that he grappled for possession of a knife with

the victim, and that he was last seen at the scene of the crime with the knife in his hand. Defense witness Liza Macuha even testified that, at the time that accused-appellant fled from the scene, she saw no other person with the victim, and that her husband, Andres Macuha, was the only person with whom Virgilio Pural had a struggle.[18] From the time that accused-appellant had a struggle with the victim, up to the time when the latter was brought to the hospital, no other person had been present who could have committed the crime.

The medical records of the victim corroborated the testimony of prosecution witness, Dr. Milo Pempengco, showing the wounds and injuries described.

Accused-appellant also had the motive to kill Virgilio Pural, for, as stated in his testimony, the Purals harassed him earlier that day for no apparent reason.[19]

Noteworthy is the fact that accused-appellant ran off to escape the fury of the Pural family, leaving behind his family and home. His positive act of fleeing from the scene of the crime instead of reporting the incident to the police authorities and his act of hiding himself until he was arrested are circumstances highly indicative of guilt.[20] Although he later voluntarily presented himself to the authorities, he did so only after three months from the time the stabbing incident occurred, and only after a warrant of arrest had been issued against him.

Therefore, all the circumstances show that culpability for the crime was correctly imputed to accused-appellant Andres R. Macuha.

In its decision, the trial court found the existence of treachery, qualifying the killing to murder. For treachery to be appreciated, it must be shown that at the time of the attack, the victim was not in a position to defend himself, and the accused-appellant consciously and deliberately adopted the particular means, methods or forms of attack employed by him to ensure its success.[21] The essence of treachery is the sudden and unexpected attack by an aggressor on an unsuspecting victim, depriving the latter of any real chance to defend himself, thereby, ensuring its commission without risk to the aggressor, without the slightest provocation on the part of the victim.[22]

In this case, we find the presence of treachery. The medical report indicated that the victim was stabbed at the back several times. It has been held many times "that treachery exists when a defenseless victim was shot or stabbed from behind and this shows that the appellant had employed means of attack which offered no risk to himself from any defensive or retaliatory act which the victim might have taken." [23] The fatal wound in the chest was inflicted at the time when the victim was helpless to defend himself, as he was hindered by his position in the canal. This further showed the treacherous design of the accused-appellant to kill the victim.

The trial court considered evident premeditation to aggravate the offense committed. Such finding is erroneous. In order to establish evident premeditation, the prosecution must show the following requisites: (a) the time when the accused determined to commit the crime; (b) an act manifestly indicating that the accused has clung to his determination; and (c) a lapse of time, between the determination to commit the crime and the execution thereof, sufficient to allow him to reflect upon the consequences of his act.[24]

The prosecution failed to sufficiently establish the above elements. Evidence presented was not enough to show that accused-appellant meditated and reflected upon his decision to kill the victim.

However, treachery qualified the crime committed as murder. Absent any aggravating or mitigating circumstance, the penalty of reclusion perpetua imposed by the lower court is correct, it being the medium period[25] of the penalty prescribed by law for murder[26] at the time of its commission in this case.

WHEREFORE, the Court hereby AFFIRMS the challenged decision of the Regional Trial Court, Branch 27, Santa Cruz, Laguna, convicting accused-appellant ANDRES R. MACUHA of murder, and sentencing him to

reclusion perpetua, and to indemnify the heirs of the victim VIRGILIO PURAL, JR., in the amount of fifty thousand pesos (P50,000.00). Costs against accused-appellant.

SO ORDERED.

Davide, Jr., C.J., (Chairman), Melo, Kapunan, and Ynares-Santiago, JJ., concur.

[1] Penned by Judge Zorayda Herradora-Salcedo.

[2] Records, p. 2.

[3] Located in Barangay San Antonio, Pila, Laguna. Andres R. Macuha and Virgilio Pural Jr. were neighbors.

[4] tsn, December 4, 1990, p. 5.

[5] Testimony of Solita Pural, tsn, December 4, 1990, pp. 6-9.

[6] tsn, March 5, 1991, pp.12-14.

[7] Records, p. 9.

[8] Records, pp. 150-164.

[9] Records, p. 164.

[10] People vs. Villanueva, G.R. No. 122746, January 29, 1999, citing People vs. Enciso, 223 SCRA 675; People vs. Cawaling 293 SCRA 299; People vs. Viente, 225 SCRA 361; People vs. Silvestre, 244 SCRA 479; People vs. De Leon, 248 SCRA 609.

[11] People vs. Dorado, G.R. No. 122248, February 11, 1999.

[12] tsn, December 4, 1990, p. 5.

[13] Ibid., p. 19.

[14] Ibid., p. 5.

[15] People vs. Apongan, 270 SCRA 713.

[16] People vs. Ompad, Jr., 233 SCRA 62.

[17] People vs. Tumaob, Jr., 291 SCRA 133, 141.

[18] tsn, September 1, 1992, p. 10.

[19] tsn, January 29, 1990, pp. 5; 12-17.

[20] People vs. Benito, G.R. No. 128072, February 19, 1999.

[21] Article 14 (16), Revised Penal Code; People vs. Galapin, 293 SCRA 474; People vs. Tavas, G.R. No. 123969, February 11, 1999; People vs. Tabones, G.R. No. 129695, March 17, 1999.

[22] People vs. Vermudez, G.R. No. 119464, January 28, 1999, citing People vs. Caritativo, 256 SCRA 1; People vs. De Castro, 252 SCRA 341; People vs. Abrenica, 252 SCRA 54; People vs. Ponayo, 235 SCRA 226; People vs. Balanon, 233 SCRA 679.

[23] People vs. Apolonia, 235 SCRA 124, 134.

[24] People vs. Piamonte, G.R. No. 91999, February 25, 1999.

[25] Article 63 (2), Revised Penal Code.

[26] The penalty was reclusion temporal in its maximum period to death (Article 248, Revised Penal Code) as the crime was committed on June 19, 1990, before the passage of R.A. No. 7659.

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