PEOPLE OF THE PHILIPPINES, PLAINTIFF-APPELLEE, VS. REYNALD T. NARVASA @ ALLAN, ACCUSED-APPELLANT.

G.R. No. 110807. January 20, 2000

Ponente: QUISUMBING, J.

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QUISUMBING, J.:

On appeal is the decision of the Regional Trial Court, Branch 41, Dagupan City, in Criminal Case No. D-10914, convicting appellant Reynald T. Narvasa of the crime of murder, sentencing him to suffer the penalty of reclusion perpetua, and ordering him to indemnify the victim's heirs in the amount of P50,000.00.

The facts are as follows:

At around 10:00 in the evening of April 14, 1992, according to the evidence presented by the prosecution, Mario Raguindin was attending the wake of Jovita Maramba at Bonuan Sabangan, Dagupan City. Also present at the wake was his brother, David.[1] After about two hours, Mario left the wake, closely followed by David who left some two minutes later.[2]

Outside, as David was trailing Mario by some five to six meters, he noticed the appellant rushing past him and suddenly stab Mario at the back with a knife[3]. Mario turned around and grappled with appellant for possession of the knife. He was able to wrestle the knife away from appellant and also tried to stab the latter with it.[4] The two men fell to the ground, with Mario on top of appellant. David went near his brother who uttered, "Naalaak, hermano (I was hit, brother.)."[5] At this point, a certain Mitang Cayabyab arrived on the scene and pulled appellant away from Mario.[6] David then brought Mario to the Pangasinan Provincial Hospital but along the way the latter expired.[7]

David promptly reported the incident to the police.[8] He explained that appellant killed Mario because Mario refused to give appellant some milkfish from the fishpond where Mario was a caretaker.[9]

In his defense, appellant contended that it was actually David who stabbed Mario, although accidentally.[10] Appellant claimed that, while they were at the wake of Jovita Maramba, the Raguindin brothers, who were drinking by the roadside, called him and asked for money to buy some food. Appellant did not give the brothers any money as he was intending to use his money to gamble a the wake.[11]

After appellant won at the gambling table, he proceeded towards the store owned by Nora Vidal to have some snack. Joel Vidal and a certain Mauwi[12] accompanied him.[13]

Before his group reached the store, appellant was accosted by Mario who held him by the neck and poked a knife at the upper right part of his neck.[14] Mario called out to David who went near and stabbed appellant frontally, hitting him in the chest.[15] Appellant tried to grab the knife pointed at his neck, but he and Mario fell down, with Mario on top of him.[16] At this point, David made another thrust of the knife intending to stab appellant anew. However, David hit his brother Mario instead of appellant. Mario uttered, "Nala mo ak, hermano (You hit me, brother.)." David helped Mario get up while appellant sought the help of Rodolfo Tamayo.[17]

Witnesses Joel Vidal and Rodolfo Tamayo corroborated appellant's version of the incident.

David testified, on rebuttal, that he and his brother could not have been drinking by the roadside nor asked money to buy food from appellant since they own a store where they could drink and get food.[18]

The deceased, Mario Raguindin, suffered one fatal stab wound in his back.[19] Appellant suffered four stab wounds, located at the chest, left arm, and left leg.[20]

Charged for the murder of Mario, appellant on arraignment pleaded not guilty. After hearing, however, the trial court found appellant guilty. The dispositive portion of its decision reads:

> "WHEREFORE, judgment is hereby rendered finding Reynald T. Narvasa, "GUILTY" beyond reasonable doubt of the crime of Murder under Article 248 of the Revised Penal Code and, [therefore], sentence him to suffer the penalty of Reclusion Perpetua with the accessories provided by law and to pay the costs.
>
> The accused is further ordered to indemnify the surviving heirs of the victim in the amount of FIFTY THOUSAND (P50,000.00) PESOS without subsidiary imprisonment in case of insolvency.
>
> The accused who is presently under detention in the City Jail, Dagupan is immediately ordered to be transferred to the New Bilibid Prisons in Muntinlupa, Metro Manila for security reasons.
>
> SO ORDERED."[21]

The trial court gave credence to the testimonies of prosecution witnesses David Raguindin and Noli Vidal, both of whom positively identified appellant as the person who stabbed Mario Raguindin.[22] It observed that appellant's claim that Mario said, "Nala mo ak, hermano," - and not "Naalaak, hermano," as claimed by the prosecution - after being stabbed was made belatedly to suit appellant's version of the incident.[23] The trial court also pointed out that David, in identifying the aggressor and assailant, could not have mistaken Mario for the appellant since the former was shorter though bulkier than the latter, who was leaner and much taller.[24]

The trial court considered as unreliable the testimonies of defense witnesses Rodolfo Tamayo and Joel Vidal, uncle and friend respectively of appellant's. The former, in particular, gave his statement to the police that it was David who mistakenly stabbed his brother Mario only after the lapse of one-and-a-half months after the incident.[25]

The trial court noted that appellant's version of the incident was rejected by the investigating prosecutor during the preliminary investigation of the criminal complaint filed by appellant against David for frustrated or attempted murder.[26] The investigation prosecutor found "many inconsistencies in the statement of Reynald Narvasa... and that of his witnesses... (which are) so irreconcilable and unexplained... as to cast doubt (on the statements') veracity."[27]

Now before the Court, appellant assails the decision of the trial court. He assigns the following errors:[28]

> - The lower court erred in failing to appreciate the testimony of the child witness Joel Vidal, who is 11 years old;
>
> - The lower court erred in the appreciation of the evidence of res gestae consisting of verbal statements uttered in the Pangasinense dialect;
>
> - The lower court erred in giving credence to the testimony of David Raguindin;
>
> - The lower court erred in failing to realize that, if it were true that the deceased in this case was stabbed at the back, he could have suffered immediate shock and would not have been able to also stab appellant in retaliation.

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Given these assigned errors, the basic issue in this case concerns the credibility of the witnesses for the prosecution and the defense.

Appellant faults the trial court for not giving credence to the testimony of an eleven-year-old boy, Joel Vidal. The boy testified that it was David Raguindin who actually stabbed Mario. Appellant contends that Vidal was a child whose testimony was "likely to be more correct and truthful than that of older persons."[29] He then points out that Rodolfo Tamayo, an uncle of appellant's, corroborated Vidal's testimony.

However, the Solicitor General contends that the testimonies of the witnesses for the defense could not be given credence - Vidal's, because he was appellant's friend, and Tamayo's, because he was appellant's uncle. Besides, the solicitor General also points out that Tamayo waited for more than a month before giving a statement to the authorities, despite the fact that appellant was by then already languishing in jail.

As a general rule, findings of the trial court concerning the credibility of witnesses are given great weight on appeal and will not be disturbed by the appellate court.[30] This is because the trial court was in the best position to observe the witnesses' deportment during trial,[31] and to assess whether or not their accounts are truthful. Unless, it is clearly shown that the trial court overlooked, misunderstood, or misapplied some facts which when considered would have altered the result of the case,[32] the Court on review should not depart from these findings.

The self-serving allegations of appellant will not suffice for us now to overturn the trial court's assessment of the credibility of witnesses. The positive identification of appellant by the prosecution witnesses as the assailant, according to the findings of the trial court, deserves full credit[33] and our concurrence. As found by the trial judge, David Raguindin testified in a clear and straightforward manner that it was accused-appellant who suddenly stabbed his brother while the latter was walking home. Hereunder is his testimony on direct examination:

> Q: When you left the place at about that time between 10:00 to 10:30 of April 14, 1992 , do you remember of any unusual incident that happened?
>
> A: Yes, sir, there was.
>
> Q: Will you kindly tell us what was that incident all about?
>
> A: About the stabbing incident, sir.
>
> Q: Who was stabbed?
>
> A: Mario Raguindin, sir.
>
> Q: And who stabbed Mario Raguindin?
>
> A: Reynald Narvasa, sir.
>
> Q: Will you kindly tell the Honorable Court how Reynald Narvasa stabbed your brother Mario Raguindin?
>
> A: My brother Mario Raguindin was stabbed by Reynald Narvasa at the back, sir.
>
> Q: When you said your brother left and after two minutes you followed, please tell the Honorable Court, what you saw?
>
> A: When my brother stood up and left I was following from behind and this Reynald Narvasa passed by me and stabbed my brother, sir.
>
> Q: How far were you from your brother when he was stabbed?

A: From my place up to that place, sir. (The parties estimated the distance 5 to 6 meters away.)[34]

David's testimony is corroborated by Noli Vidal, another eyewitness to the incident:

Q: I am calling your attention on the date April 14, 1992 at about 10:00 o'clock in the evening of the day, where were you?

A: Bonuan Sabangan, sir.

Q: Where in Bonuan Sabangan?

A: At the wake, sir.

Q: At the wake of whom?

A: Jovita Maramba, Sir.

Q: At about that time when you were at the wake of Jovita Maramba, do you remember anything unusual that happened, if any?

A: There was, sir.

Q: Will you kindly tell this Honorable Court what [that was] all about?

A: It was an incident that one Alan Narvasa stabbed a certain Mario Raguindin, sir.

Q: Do you know that Alan Narvasa personally?

A: Yes, sir.

xxx

Q: This Alan Narvasa which you have Just pointed, is he the same accused in this criminal case No. D-10914 whose name is Reynald Narvasa?

A: Yes, Sir.

Q: Immediately before Reynaldo Narvasa stabbed Mario Raguindin, where were you?

A: Right after I bought cigarette I saw Reguindin going towards his home and was followed by Alan Narvasa and thereafter, he stabbed, sir.

ATTY. CAGUIOA:

We move to strike out the answer of the witness being not responsive.

COURT:

Q: How far were you from the accused when he stabbed Raguindin?

A: More or less four meters, madam.

Q: That was when Raguindin was going home from the wake?

A: Yes, madam.

COURT:

Proceed.

ATTY. SABADO:

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[Q:] This store that you have just stated where you bought this cigarette, who is the owner, if you know?

A: Nora Vidal, sir.

Q: How far is the store from the actual place where Alan or Reynaldo Narvasa stabbed Mario Raguindin?

A: Five to 6 meters, sir.[35]

If it were true that appellant was actually the victim and not the perpetrator in this case, it does not make sense for him to wait for more than a month before reporting the incident to the authorities. The stabbing took place on April 14, 1992. Appellant was arrested on April 20, 1992 while being treated at the hospital.[36] Appellant could have given his statement as early as the time of his arrest, if not immediately after the alleged assault upon him, to bring to justice those who have allegedly wronged him. However, appellant remained silent until sometime in May 1992 when he filed charges against David Raguindin, claiming that it was actually the Raguindin brothers who assaulted him, and that it was David who mistakenly stabbed his own brother. His belated claims do not square with human experience and common sense. They now appear as mere self-serving averments.

The explanation of defense witness, Rodolfo Tamayo, that he gave his statement to the police only on May 28, 1992, because he waited for appellant to recuperate from his wounds is also not in accord with human nature. Note that appellant (Tamayo's nephew) was arrested and jailed only five days after the incident, even without his wounds having healed. The natural thing to do is to come forward and narrate what one allegedly witnessed as soon as possible to save the innocent from arrest and incarceration. Since Tamayo is appellant's uncle, Tamayo had even more reason than an ordinary witness to report to the police what he saw, if indeed he did see that it was appellant being assaulted by the deceased.

What is apparent to us is that appellant needed time to concoct his version of how the incident happened. We agree with the trial court that appellant's claim, that it was David who stabbed his brother Mario, was only adopted by appellant belatedly, to escape conviction.

At this stage, we could not give credence to the defense's claim that David mistakenly hit Mario with a knife thrust allegedly intended for appellant. The trial court noted that Mario was smaller and bulkier than the taller and leaner appellant,[37] and they bore no resemblance with each other. Thus, we find no reason to overrule the finding of the trial court on this score. As earlier cited, the attack on the deceased, Mario, by appellant was sudden, from behind - and fatal. Appellant has not shown that the prosecution witnesses against him were motivated by ill will so that they would testify falsely against him. The trial court is well justified in concluding that they were not ill motivated, and their testimony is entitled to full faith and credit.[38]

Note that the spot where the stabbing occurred could not be said as poorly lit as to impair visibility. On this point David Raguindin testified, to the contrary:

Q: How were you able to see the incident since it is nighttime?

A: There was a light, sir.

Q: Light from where?

A: There are electric light in the houses and also in the post, Sir.[39]

Thus, we are convinced that the electric light from the houses in the vicinity as well as the lamppost were more than sufficient to illuminate the area, and make it possible for David to clearly identify appellant as the one who attacked the deceased.

As to the qualifying circumstance of treachery, the trial court correctly appreciated its presence in this case. The

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attack on Mario was sudden and unexpected, from behind, without the slightest provocation on his part.[40]

ACCORDINGLY, the decision of the Regional Trial Court, Branch 41, Dagupan City in Criminal Case No. D-10914 finding appellant Reynald T. Narvasa guilty of murder and sentencing him to reclusion perpetua, and to indemnify the victim's heirs in the amount of P50,000.00, is hereby AFFIRMED.

Costs against appellant.

SO ORDERED.

Bellosillo, (Chairman), Mendoza, Buena, and De Leon, Jr., JJ., concur.

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[1] TSN, July 9, 1992, p. 4.

[2] Id. at 5.

[3] Id. at 6.

[4] TSN, July 8, 1992, pp. 10-11.

[5] Id. at 13-14; TSN, July 9, 1992, p. 8.

[6] TSN, July 9, 1992, p. 9.

[7] Id. at 10.

[8] Ibid.

[9] TSN, July 9, 1992, p. 13.

[10] TSN, October 20, 1992, p. 4.

[11] Id. at 2.

[12] Also referred to as Marvi. TSN, September 9, 1992, pp. 32-33.

[13] TSN, October 20, 1992, p. 3.

[14] Ibid.

[15] Ibid.

[16] Ibid.

[17] TSN, October 20, 1992, p. 4.

[18] TSN, November 27, 1992, p. 3.

[19] TSN, July 22, 1992, pp. 9-10; Exh. D.

[20] TSN, October 29, 1992, p. 10; Exh. 5.

[21] Rollo, pp. 34-35.

[22] Id. at 31.

[23] Id. at 32.

[24] Id. at 32-33.

[25] Id. at 33.

[26] Records, pp. 150-158.

[27] Id. at 155. The investigating prosecutor dismissed accused-appellant's complaint against David Raguindin. Accused-appellant appealed to the Secretary of Justice. However, the fate of this appeal does not appear on record.

[28] Rollo, pp. 48-49.

[29] Id. at 57.

[30] People v. Ebrada, 296 SCRA 353, 362 (1998); Lim v. Court of Appeals, 254 SCRA 170, 180 (1996).

[31] People v. Espinoza, 228 SCRA 143, 152 (1993).

[32] People v. Rogelio Andres, et al., 296 SCRA 318, 331-332 (1998).

[33] People v. De Castro, 252 SCRA 341, 351 (1996).

[34] TSN, July 9, 1992, pp. 5-6.

[35] TSN, July 8, 1992, pp. 5-7.

[36] Records, pp. 5-6, 58.

[37] Rollo, p. 33.

[38] People v. Villegas, 262 SCRA 314, 322 (1996).

[39] TSN, July 9, 1992, p. 15.

[40] Supra, note 34; People v. Loreto Noay, 296 SCRA 292, 304 (1998).

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