

PEOPLE OF THE PHILIPPINES, APPELLEE, VS. QUINTIN CASTILLO Y MASANGKAY AND RICARDO CASTILLO Y ARCE, APPELLANTS,

G.R. No. 118912. May 28, 2004

Ponente: AZCUNA, J.

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AZCUNA, J.:

Quintin Castillo y Masangkay (Quintin) and Ricardo Castillo y Arce (appellant) were charged with murder for the death of Manolito Hernandez in an information which states, as follows:

That on or about the 8th day of April, 1982, at about 10:45 o'clock in the evening, in Barangay Malakim Pook, Municipality of San Pascual, Province of Batangas, Philippines and within the jurisdiction of this Honorable Court, the above-named accused, armed with a knife and a big stone, with intent to kill, conspiring and confederating together, acting in common accord, with treachery and evident premeditation, did then and there, willfully, unlawfully and feloniously attack, assault, stab and hit with said deadly weapons, suddenly and without warning, one Manolito Hernandez, thereby inflicting upon the latter sixteen (16) different wounds on different parts of his body, which directly caused his death.[1]

On December 9, 1982, Quintin and appellant, with the assistance of counsel, pleaded not guilty to the charge of murder.[2] Trial on the merits thereafter ensued.

The records show that Dr. Johnny Ilustre,[3] Francisco Castor,[4] Francisco Bonado,[5] Buenaventura Hernandez,[6] Cosme Hernandez,[7] Romeo Hernandez,[8] and Donata Hernandez[9] testified for the prosecution. Their testimonies established that on April 8, 1982, at around 10:00 p.m., the seventeen-year-old victim was having a drinking spree inside his father's passenger jeepney parked in front of his house with Quintin, appellant, and Cosme Hernandez. Buenaventura Hernandez, the victim's father, approached his son, asking him why he was drinking. The victim replied that he was only socializing, and assured Buenaventura that Quintin and appellant were his friends. He later asked permission to spend the night at his uncle's house. His father refused, and this apparently annoyed the victim. Deciding to go to his uncle's house against his father's will, he bade goodbye to his companions and ran towards the north. Seeing this, Buenaventura drove his jeepney to follow the victim. Aboard the jeepney were his son Dante Hernandez, his nephew Cosme Hernandez, Quintin, and appellant.

Buenaventura eventually caught up with the victim walking northwards along the road in Barangay Malaking Pook. Coming from the opposite direction were Juanito Cusi and his nephew Manuel Cusi. An altercation ensued between Juanito and the victim, which resulted into a fight. Buenaventura and his passengers alighted and tried to pacify Juanito and the victim, but before the two could be separated, the victim managed to strike Juanito at the head with a stone. Buenaventura then offered to bring Juanito to the hospital. On the way to the hospital, Buenaventura saw Quintin and appellant taking the victim home with the latter's waist being held by appellant and right arm being clutched by Quintin. Fearing for his son's safety following the incident with Juanito, while passing by his residence, he called out to his other son Romeo Hernandez to fetch the victim and instructed Cosme Hernandez to alight from the jeepney and accompany the victim.

Romeo Hernandez, who was then 13 years old, did as he was told. He took a flashlight and walked towards the north to look for the victim. At around 10:45 p.m., from a distance of six meters and with the aid of his flashlight, he saw the victim lying prostrate, being ganged up by Quintin and appellant. He witnessed Quintin stabbing the body of the motionless victim with a shiny object while appellant was astride the victim, beating the latter's head with a stone. Fearfully, he shouted "Tama na iyan, maawa kayo sa kapatid ko," prompting the two assailants to turn to him. He thus ran back home. On the way he met his cousin Cosme, who, upon being told of the incident, rushed to the crime scene.

When Cosme arrived at the spot where the victim was attacked, he saw the victim all bloodied and lying on the ground. Quintin and appellant were nowhere to be found. Police Officer Francisco Castor of the Integrated National Police (INP) later arrived, followed by members of the victim's family, Dr. Johnny Ilustre of the INP, police officer Francisco Bonado and other policemen. They recovered a stone^[10] near the victim, which eyewitness Romeo identified during the trial as the same stone used by appellant in attacking the victim.

Dr. Johnny Ilustre, Municipal Health Officer of San Pascual, Batangas, conducted the post-mortem examination on the body of the victim. He prepared the Post-Mortem Examination Report^[11] and the victim's Death Certificate,^[12] which the prosecution submitted as evidence. He testified that the victim died of severe cerebral hemorrhage due to fractures on the skull and mandible, and other injuries which appeared to have been caused by a sharp-pointed instrument and a hard and blunt object. The victim sustained fourteen injuries in all, four of which Dr. Ilustre declared to be fatal.

The victim's mother, Donata Hernandez, also testified on the expenses she incurred due to the death of his son, totaling to P29,353. Not all of these, however, were substantiated by official receipts.

Testifying for the defense, on the other hand, were Pastor de Castro,^[13] Romulo Cusi,^[14] Quintin,^[15] and appellant.^[16]

Quintin and appellant, who happen to be first cousins, were one in denying the prosecution's narration of the events that transpired after Buenaventura left for the hospital. They thus presented their own version of the incident.

Quintin and appellant testified that before the victim's father left for the hospital, the latter requested them to take the victim home. The victim, however, later insisted that they not accompany him, as he might be scolded by his mother. Quintin and appellant therefore left the victim and walked home towards the opposite direction. While walking home, they heard the victim shout, "Labas dito ang barako!" Ignoring this, they kept walking and on the way met three men, who appeared to be drunk. The men then asked, "Kayo бага ang nagpapalabas ng barako diyan?" Quintin and appellant answered in the negative and pointed southwards, to the direction of the victim. They then headed home and went to sleep.

Romulo Cusi, nephew of Juanito and second cousin of the accused, testified that contrary to the prosecution's claim, it was he, and not Manuel Cusi, who was walking with Juanito that evening. He substantially corroborated Buenaventura's narration of the stoning of Juanito. He, however, asserted that Romeo could not have witnessed the alleged killing of the victim as Romeo rode with them, along with Cosme, in Buenaventura's jeepney all the way to the hospital.

Finding the evidence for the prosecution "clear, convincing, and sufficient" and that of the defense merely fabricated, the Regional Trial Court of Batangas City, Branch 3, convicted Quintin and appellant of murder, qualified by treachery and aggravated by abuse of superior strength. It thus sentenced the accused, as follows:

Applying the Indeterminate Sentence Law, accused QUINTIN CASTILLO AND RICARDO CASTILLO are

hereby sentenced to suffer the penalty of FOURTEEN (14) YEARS and EIGHT (8) MONTHS, as minimum, to SEVENTEEN (17) YEARS and FOUR (4) MONTHS, as maximum, both of RECLUSION TEMPORAL, to jointly indemnify the heirs of Manolito Hernandez in the sum of P30,000, to pay jointly the sum of P50,000 for actual, moral and exemplary damages and to pay the costs.[17]

It likewise ordered the cancellation of the bail bonds posted by the accused for their provisional liberty.

Both the accused, who were then committed to the Batangas Provincial Jail, appealed their conviction before the Court of Appeals.[18] They thereafter filed a petition for bail pending appeal grounded on health reasons,[19] which the appellate court granted on February 6, 1992.[20] On February 17, 1992, they were accordingly released from confinement upon filing of bail bonds in the amount of P30,000 each.[21]

On November 19, 1993, the Court of Appeals rendered its decision affirming the findings of the trial court, with modifications.[22] It ruled that the trial court erred in considering abuse of superior strength as an aggravating circumstance as this is already absorbed by treachery. It, moreover, considered the mitigating circumstance of Quintin's voluntary surrender and sentenced the latter to an indeterminate prison term the minimum of which is within the range of prision mayor maximum, and the maximum of which is within reclusion temporal maximum. On the other hand, it said that appellant's penalty should be reclusion perpetua.[23] Consequently, the appellate court certified the case to this Court for the purpose of reviewing appellant's criminal liability, in accordance with Rule 124, Section 13 of the Revised Rules of Court. A partial entry of judgment in the meantime was entered with respect to Quintin, who did not file an appeal.[24]

On March 15, 1995, this Court ordered the bondsmen to surrender appellant within 10 days from notice and the trial court judge to order the commitment of appellant to the Bureau of Corrections within 5 days from the latter's surrender.[25] Upon receiving report that the bonding company had transferred to an unknown address, this Court, on June 17, 1998, directed the trial court judge to forfeit the bond and to issue a warrant of arrest.[26] Despite this, appellant remained at large. Although alias warrants of arrest were issued by this Court on February 24, 1999 and June 21, 1999, appellant has not been apprehended to date.[27]

It appearing that appellant has jumped bail, this Court shall first determine whether to entertain the present appeal. Pursuant to Rule 125, Section 1, in relation to Rule 124, Section 8 of the Revised Rules of Court, in the event that the appellant escapes from custody or jumps bail, the Court has the discretion to dismiss the appeal. Section 8 of Rule 124 provides:

Sec. 8. -- Dismissal of appeal for abandonment or failure to prosecute --

x x x x x x x x

The court may also, upon motion of the appellee or on its own motion, dismiss the appeal if the appellant escapes from prison or confinement or flees to a foreign country during the pendency of the appeal.

In *People v. Araneta*,[28] where the appellant therein likewise jumped bail after the case was certified to the Court for review, the Court ruled that it is unwise to dismiss the appeal if such will result to an injustice. In said case, dismissal of the appeal would have rendered the trial court judgment sentencing appellant to a lower penalty final, notwithstanding the appellate court's finding that a heavier penalty should be imposed. Thus, to avoid a mockery of justice, whereby an appellant would benefit from his act of jumping bail, the Court therein resolved to continue exercising jurisdiction over the case.

In the present case, were this Court to dismiss the appeal at this stage, the decision of the trial court sentencing appellant to a prison term within the range of reclusion temporal would become final, despite the finding of the Court of Appeals that appellant should instead be meted the penalty of reclusion perpetua. To avoid the absurdity

of rewarding appellant for his act of jumping bail, this Court deems it proper to proceed exercising jurisdiction and consider the instant appeal.

Appellant did not file a brief before this Court. Nevertheless, this Court has reviewed the records of the case, including the assignment of errors raised before the Court of Appeals, namely:

ASSIGNMENT OF ERRORS

I.

THAT THE TRIAL COURT GRAVELY ERRED IN GIVING UNDUE CREDENCE TO THE TESTIMONY OF THE SUPPOSED LONE EYEWITNESS TO THE CRIME.

II.

THAT THE TRIAL COURT ERRED IN CONVICTING THE ACCUSED-APPELLANTS DESPITE THE RULE THAT CONVICTION MUST REST ON THE STRENGTH OF THE PROSECUTION AND NOT ON THE WEAKNESS OF THE DEFENSE.

III.

THE TRIAL COURT ERRED IN GIVING DUE CREDENCE TO THE PROSECUTION'S EVIDENCE AND IN COMPLETELY REJECTING THE THEORY OF THE DEFENSE.[29]

Appellant questioned the sufficiency of the uncorroborated testimony of the supposed sole eyewitness as evidence to sustain his conviction and reject his defense of denial.

Appellant's conviction depends on the credibility of the lone eyewitness, Romeo Hernandez, whose testimony, appellant maintained, is unnatural and improbable. He regarded Romeo's failure to aid the victim while being attacked and to report the crime immediately as suspicious and contrary to human experience, considering that they were brothers.

Romeo cannot be faulted for not helping his brother even as the latter was being stabbed and struck to death. No standard form of behavioral response can be expected from anyone when confronted with a startling or frightful occurrence.[30] Moreover, this Court does not find anything unnatural in Romeo's failure to help his brother as he was only thirteen years old when the crime happened. Furthermore, as also observed by the Court of Appeals, Romeo did plead with appellants to stop beating his brother. He simply had to flee when appellants turned to him.

Neither can appellant cast suspicion on Romeo's failure to report immediately the crime and the identities of his brother's assailants. As correctly pointed out by the Court of Appeals, Romeo in his testimony attributed his silence to his confusion upon seeing his mother cry hysterically and afterwards faint. He also feared that if he disclosed the identities of the assailants right away, his father might look for them and figure into more trouble. It was for these reasons that he waited until after the interment of the victim before issuing a statement to the authorities. Delay in revealing the identity of the perpetrator of a crime, when sufficiently explained, does not impair the credibility of a witness.[31] Furthermore, in this case, the eyewitness reported the matter to the authorities three days after the crime.

It is settled that when a conviction hinges on the credibility of witnesses, the assessment of the trial court is accorded the highest degree of respect.[32] In the present case, the trial court observed that:

. . . [P]rosecution witness Romeo Hernandez is a credible young man and his statement stated in court is likewise credible and worthy of belief. Said witness is, from the observation of the court, a refined person and the same testified in [a] clear and straightforward manner.[33]

Time and again, this Court has held that the testimony of a sole eyewitness, which is clear, straightforward and worthy of credence by the trial court, is sufficient to support a conviction.[34]

This Court also notes that there is no showing that Romeo harbored any ill-motive falsely to impute upon Quintin and appellant the killing of his brother, especially considering that the accused are his mother's cousins, and are, therefore, his uncles. Moreover, Romeo's declarations as to the manner by which the victim was attacked were supported by the physical evidence, thereby bolstering the veracity of his testimony.

Appellant's defense of denial pales when viewed against the strong testimonial evidence of the prosecution. As concurred by the Court of Appeals, the trial court considered the testimonial evidence of the defense to be "fabricated" and "without sufficient weight and credence."^[35] Aside from the testimony of Romulo, which the lower court evaluated to be "replete with inconsistencies," appellant's version was unsubstantiated by any independent evidence.^[36] To merit credibility, denial must be buttressed by strong evidence of non-culpability. If unsubstantiated by clear and convincing evidence, it is negative and self-serving, deserving no greater value than the testimony of credible witnesses who testify on affirmative matters.^[37]

This Court thus finds no cogent reason to depart from the findings of the lower court, as affirmed by the Court of Appeals. When the trial court's factual findings have been affirmed by the appellate court, said findings are generally conclusive and binding upon the Court.^[38]

Furthermore, there is the well-entrenched doctrine that unexplained flight is a clear and positive evidence of guilt.^[39]

The Court of Appeals and the trial court were correct in convicting Quintin and appellant of murder. Treachery was clearly demonstrated by the manner by which appellant, while astride the victim, struck the latter's head with a piece of stone. The victim, who was proven to be then lying on his belly with his face down on the ground, was rendered defenseless, as the other assailant stabbed him. It was, therefore, clear that Quintin and appellant employed means to insure the commission of the crime without risk to themselves. The appellate court, however, correctly disregarded abuse of superior strength as this circumstance is already absorbed by treachery.

At the time the crime was committed, the appropriate penalty for murder under Article 248 of the Revised Penal Code prior to its amendment was reclusion temporal in its maximum period to death.^[40] Considering that there is neither aggravating nor mitigating circumstance in this case, the penalty should be reclusion perpetua.^[41] The penalty of reclusion perpetua is indivisible.^[42] Thus, the Indeterminate Sentence Law does not apply.

Finally, on appellant's civil liability, this Court finds it appropriate to impose additional damages in line with prevailing doctrine: exemplary damages in the amount of P25,000,^[43] moral damages in the amount of P50,000,^[44] and temperate damages in the amount of P25,000 for funeral expenses.^[45] The P50,000 indemnity fixed by the Court of Appeals should be sustained.

WHEREFORE, this Court finds appellant Ricardo Castillo y Arce guilty of murder in Criminal Case No. CCC-VIII-1073 (82) of the Regional Trial Court of Batangas City, Branch 3, and sentences him to reclusion perpetua and orders him to pay the heirs of the victim the sum of P50,000 as indemnity, P25,000 as exemplary damages, P50,000 as moral damages, and P25,000 as temperate damages. Costs de oficio.

Let copies of this Decision be furnished to the Secretary of Interior and Local Government and the Secretary of Justice so that appellant may be brought to justice.

SO ORDERED.

Panganiban, Ynares-Santiago, and Carpio, JJ., concur.

Davide, Jr., C.J., (Chairman), on official leave.

- [1] Records, pp. 1-2.
- [2] Certificate of Arraignment, CA Rollo, p. 17.
- [3] TSN, February 22, 1983, pp. 2-26; TSN, June 21, 1984, pp. 3-53.
- [4] TSN, July 1, 1983, pp. 4-14; TSN, July 27, 1983, pp. 3-22.
- [5] TSN, September 8, 1983, pp. 4-18; TSN, October 19, 1983, pp. 3-42.
- [6] TSN, December 14, 1983, pp. 5-22; TSN, January 13, 1984, pp. 4-54; TSN, July 30, 1987, pp. 21-29.
- [7] TSN, February 8, 1984, pp. 2-33; TSN, March 22, 1984, pp. 3-26; TSN, August 15, 1984, pp. 4-26.
- [8] TSN, August 15, 1984, pp. 27-43; TSN, September 14, 1984, pp. 6-49.
- [9] TSN, December 14, 1984, pp. 2-13.
- [10] Exhibit “E.”
- [11] Records, pp. 7-8, Exhibit “A.”
- [12] *Id.*, at 6, Exhibit “B.”
- [13] TSN, July 30, 1985, pp. 4-28.
- [14] TSN, September 19, 1985, pp. 3-49; TSN, November 14, 1985, pp. 2-28.
- [15] TSN, January 27, 1987, pp. 2-23; TSN, June 4, 1987, pp. 2-36; TSN, July 30, 1987, pp. 3-20.
- [16] TSN, May 20, 1986, pp. 2-32; TSN, July 7, 1986, pp. 3-29; TSN, July 16, 1986, pp. 3-43.
- [17] CA Rollo, p. 84.
- [18] *Id.*, at 107.
- [19] *Id.*, at 112-114.
- [20] *Id.*, at 140.
- [21] *Id.*, at 150-154.
- [22] *Id.*, at 253 – 274; Penned by Retired Supreme Court Associate Justice Vicente V. Mendoza.
- [23] CA Decision, p. 21, CA Rollo, p. 279 et seq.
- [24] CA Rollo, p. 279.
- [25] Rollo, p. 2.
- [26] *Id.*, at 9-10.
- [27] *Id.*, at 74-77, & 84-86.
- [28] 300 SCRA 80 (1998).**
- [29] CA Rollo, p. 163.
- [30] *People v. Lachica*, G.R. No. 131915, September 3, 2003.

- [31] *People v. Espina*, 261 SCRA 701 (2001).
- [32] *Sarabia v. People*, 361 SCRA 652 (2001).
- [33] CA Rollo, p. 82.
- [34] *People v. Rivera*, G.R. No. 139185, September 29, 2003.
- [35] CA Rollo, p. 83.
- [36] *Id.*, at 83 & 268.
- [37] *People v. Alfon*, 399 SCRA 64 (2003).
- [38] *Danofrata v. People*, G.R. No. 143010, September 30, 2003.
- [39] *People v. Pascua, Jr.*, 370 SCRA 599 (2001).
- [40] *People v. Peloperio*, G.R. No. 126119, October 15, 2003.
- [41] *People v. Muñoz*, 170 SCRA 107 (1989).
- [42] *People v. Gumayao*, G.R. No. 138933, October 28, 2003.
- [43] *People v. Catubig*, 363 SCRA 621 (2001).
- [44] *People v. Baltazar*, G.R. No. 143126, July 31, 2003.
- [45] *People v. Latasa*, G.R. No.144331, May 9, 2003.

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