

THE PEOPLE OF THE PHILIPPINES, PLAINTIFF-APPELLEE, VS. RENE H. ARANJUEZ, ACCUSED-APPELLANT.

G.R. No. 121898. January 29, 1998

Ponente: ROMERO, J.

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ROMERO, J.:

Rene Aranjuez, herein accused-appellant, was charged with murder in an Information[1] that reads -

“That on or about the 19th day of December 1993, in the City of Bacolod, Philippines, and within the jurisdiction of this Honorable Court, the herein accused, without any justifiable cause or motive, being then armed with a knife, with intent to kill and by means of treachery and evident premeditation, did then and there willfully, unlawfully and feloniously assault, attack and stab with said weapon one Godofredo Ferrer y Guardiano, thereby inflicting upon the person of the latter the following wounds, to wit:

- Stab wound 1.5 inch long, 0.5 cm. deep at the third lateral proximal portion of the forearm, left;
- Stab wound 1 (one) inch long, 0.5 cm. deep at the middle third of the medial portion of the forearm left;
- Stab wound 1.5 inch long, 1 cm. deep at the cubital region left;
- Stab wound 1 cm. in width, 1 inch deep at the right hypochondriac region, directed forward medially involving the lobe of the liver, right;
- Stab wound 1 cm. wide, 2 inches deep at the 6th intercostal space, left directed diagonally upwards involving the left lobe of the liver and the heart;
- Stab wound 1 cm. wide, 2 inches deep at the 4th intercostal space left, along parasternal line directed forward medially posteriorly rupturing the heart.

Cause of death:

Cardiorespiratory arrest, shock, hemorrhage, severe, internal, rupture of the heart due to stab wounds -

which were the direct and immediate cause of his death to the damage and prejudice of his heirs as follows:

- As indemnity for the death of the victim.....P50,000.00

- As indemnity for the loss of earning capacity

of the victim.....P69,600.00

- As moral damages.....P10,000.00

Act contrary to law.”

When arraigned, accused-appellant entered a plea of not guilty.

The facts as found by the trial court are as follows: At 1:00 o’clock in the morning of December 19, 1993,

Godofredo Ferrer, his wife Filomena Ferrer and children were still awake inside their house in Villa Lucasan, Mandalagan, Bacolod City as the children had just arrived from a public dance held nearby. Their lights were still on, including the one inside their store, thereby illuminating their front yard. Suddenly they heard a commotion and shouting outside and as they all went outside their house to investigate, they saw the group of Ananias Lugmao, Armando Aranjuez and Dodoy Roxas.[2]

Ananias Lugmao was shouting and challenging Siegfredo Lomugdang, a neighbor of the Ferrers, to come out of his house and fight. Apparently, Siegfredo Lomugdang had quarrelled with the group of Ananias Lugmao at the dance hall. Godofredo Ferrer felt obliged to intervene considering that Ananias Lugmao's wife is his cousin and Siegfredo is a good friend.

On her part, Mrs. Ferrer asked the group what actually transpired at the dance hall. Before Mrs. Ferrer could elicit a satisfactory answer from Ananias Lugmao, accused-appellant suddenly appeared from behind the gumamela plants surrounding the front yard of the Ferrers and without any reason whatsoever stabbed Godofredo Ferrer several times with a bladed weapon on different parts of his body until he fell prone on the ground.

While Godofredo Ferrer was being attacked, Mrs. Ferrer and her son Rex Ferrer clearly saw accused-appellant as they were standing just about two to three meters from where the victim was standing. Stunned with the sudden and unexpected turn of events, they stood immobilized and consequently failed to extend any assistance to their fallen loved one. Thereafter, accused-appellant together with his cohorts fled from the crime scene. Godofredo Ferrer was rushed to a nearby hospital but was declared dead on arrival.

Accused-appellant testified on his behalf. He denied having been acquainted with the victim, much less any participation in the crime and attempted instead to shift authorship of the crime to his cousin Armando Aranjuez. He narrated that when the incident took place, he was already sleeping at his workplace in Abkasa, Bacolod City. He averred further that he only came to know of the quarrel at the dance hall and the subsequent stabbing of Godofredo Ferrer from his friends. Fearful of any retaliation the Ferrer family might initiate, he immediately left for Iloilo that same morning in the company of his friends.

Not convinced by the version of accused-appellant, the Regional Trial Court-Br. 42 of Bacolod City convicted accused-appellant of the crime charged and sentenced him to suffer the penalty of reclusion perpetua and to indemnify the heirs of the victim in the amount of P50,000.00.[3]

Frustrated, accused-appellant now comes before this Court claiming that -

- The trial court gravely erred in giving full weight and credence to the testimonies of the prosecution witnesses and in disregarding the theory of the defense.
- The trial court gravely erred in finding the existence of treachery as a circumstance qualifying the crime charged against accused-appellant to murder and in further finding him guilty thereof, despite insufficiency of the prosecution evidence that would warrant a conviction beyond a reasonable doubt.[4]

This Court is not convinced that the trial court abused its discretion - much less erred - in giving full weight and credence to the positive testimonies of the prosecution witnesses and in disbelieving and disregarding the defense theory of denial and alibi. On the contrary, the trial court was very meticulous and thorough in its presentation and consideration of the facts and evidence, to wit -

“Given these set of facts indicating, more or less, the scenario surrounding the place of the crime, this Court, therefore, entertains no doubt as to the veracity and credence of the identification of the accused by the prosecution witnesses because of the following circumstances:

FIRSTLY, the house and the store were still open and lighted. As testified to by the prosecution witnesses, the illumination of the place where the incident happened extended to the yard of the Ferrers, hence, it was not difficult for anyone to see and identify who may have been present;

SECONDLY, prosecution witness Rex G. Ferrer who was an eyewitness to the commission of the offense involving his father and the accused and who was only about two (2) to three (3) meters away from his father, identified positively Rene Aranjuez as the assailant of his father. It is not doubted that Rex G. Ferrer knew Rene Aranjuez even before December 19, 1993 being a co-worker of his brother, Rey Ferrer. As a matter of fact, he recalled that at about 10:00 o'clock in the evening of October 18, 1993, he also saw the accused at the dance hall where he also got involved in a violent confrontation;

THIRDLY, Mrs. Filomena Ferrer who also testified in this case, was just about half a yard away to the right of her husband when the accused, coming from the gumamela plants around, stabbed him. Under the circumstances, it would not be hard for anyone to remember, recognize or identify a person whom the witness may have seen to have caused the happening of a startling occurrence, an event that turned out very difficult for Mrs. Ferrer to forget as it caused the untimely demise of her husband;

FOURTHLY, no evidence exists to show that eye-witnesses Rex Ferrer and her mother Filomena Ferrer were ill-motivated so as to fabricate a story and to testify falsely against the accused. The statements given by these witnesses in open court are therefore, entitled to full faith and credit x x x;

Moreover, the Court has observed that these prosecution witnesses testified with utmost candor and in a straight-forward manner narrating vividly the details of an event in a manner only a person actually present could have done. The conduct, demeanor and manner they related to the Court what happened to Godofredo Ferrer on December 19, 1993 signify that these witnesses were just telling the truth x x x."[5]

Absent any indication or showing that the trial court overlooked some material facts or gravely abused its discretion in consideration of the same, this Court is bound to respect its findings and to refrain from reviewing these findings of fact. As this Court has reiterated often enough, the matter of assigning values to declarations at the witness stand is best and most competently performed or carried out by a trial judge who, unlike appellate magistrates, can weigh such testimony in light of the accused's behavior, demeanor, conduct and attitude at the trial. Consequently, conclusions of trial courts command great weight and respect.[6]

Not even the fact that the witnesses were the son and the wife of the victim could erode their credibility and taint their testimonies. On the contrary, their relationship to the victim would even lend credence to their testimonies as their natural interest in securing the conviction of the guilty would deter them from implicating persons other than the culprits; otherwise, the conviction of the innocent would thereby grant immunity to the guilty.[7]

In his defense, accused-appellant denied committing the crime and proffered alibi as an excuse to exonerate himself. He alleged that at the time of the stabbing incident, he was already sleeping at his quarters in Bgy. Abkasa, Bacolod City. He averred that he was only informed by his friends and cousin of the stabbing incident at 1:00 o'clock in the morning of December 19, 1993.

The trial court properly disregarded accused-appellant's defense of alibi as not being worthy of credence as it was uncorroborated and failed to satisfy the elementary requirements of alibi. The shopworn rule is that for alibi to prosper, it is not enough to show that accused was at some other place at the time of the commission of the crime, but it must also be proved by clear and convincing evidence that it was physically impossible for him to have been at the scene of the crime at the time of its commission as to have committed the same.[8] In the instant case, accused-appellant failed to refute the known fact that the place where he allegedly was located at the time of the

commission of the offense and the scene where the crime was committed are both in the same barangay. As found by the court a quo “the accused in this case failed to present clearly and convincingly evidence indicating that it was physically impossible for him to proceed to the place of the commission of the offense, commit the crime and thereafter, immediately return to his quarters within the same locality.”[9] The weakness of his alibi was further aggravated by the fact that it rested solely on his own testimony and remained uncorroborated.

It is settled jurisprudence that alibi cannot be sustained where it is not only without credible corroboration, but it also does not on its face demonstrate the physical impossibility of the accused’s presence at the place and time of the commission of the offense.[10]

Accused-appellant capitalized on Rex Ferrer’s claim that the latter was too stunned by the suddenness of the attack to do anything. He claimed that considering the short distance, the absence of any spontaneous reaction on the part of Rex Ferrer defies human experience as it runs counter to the natural course of things. Thus, he reasoned out that if Rex Ferrer was too stunned to react and come to the aid of his besieged father, it was doubtful that the former’s senses, already stunned to the point of virtual impotence, could still manage to comprehend and retain, with unerring clarity, the appearance of accused-appellant.

This Court cannot accept accused-appellant’s reasoning. As this Court has consistently held, different people react differently to a given situation, and there is no standard form of human behavioral response when one is confronted with a strange, startling or frightful experience. As a matter of common observation and knowledge, the reaction or behavior of persons when confronted with a shocking incident varies. Persons do not necessarily react uniformly to a given situation, for what is natural to one may be strange to another. Hence, placed under emotional stress, some people may shout, some may faint, and some may be shocked into insensibility, while others may openly welcome an intrusion.[11]

Accused-appellant submits that assuming he committed the crime, the trial court erred in appreciating treachery as a qualifying circumstance. This submission was premised on the fact that based on the location of the wounds, it could not be positively stated that the attack was made from the rear of the deceased and not frontally thereby affording no opportunity to defend himself.

This argument is unacceptable. The essence of treachery is that the attack comes without warning and in a swift, deliberate and unexpected manner, affording the hapless, unarmed and unsuspecting victim no chance to resist or to escape,[12] as what happened in this case. Treachery may be committed even if the attack is frontal, but no less sudden and unexpected, giving the victim no opportunity to repel it or offer any defense of his person.[13] The court a quo found the following, to wit -

“It is clear from the evidence that the killing of Godofredo Ferrer was not preceded by any altercation or dispute between the accused and the deceased or between the accused and any member of the Ferrer family. As already intimated in the preceding discussions, the deceased, his wife Filomena and his son Rex went out of their house only upon hearing provocative remarks from Ananias Lugmao directed towards “Embong” Lomugdang, and evidently, to pacify him to avoid any confrontation. There could have been no other motive on the part of the Ferrers to go out and talk with Ananias than to avoid trouble that could have erupted, between Ananias and “Embong” Lomugdang.

Sadly, however, it was at that moment when Mrs. Ferrer was still talking with Ananias that so suddenly, the accused appeared from the gumamela plants and without any warning, attacked mortally Godofredo Ferrer. Mrs. Ferrer at the time of the attack was only about half a meter away towards her left side. It can also be seen from the evidence gathered that the accused Rene Aranjuez was not seen and known by the Ferrers that he was also in the company of Ananias Lugmao, Dodoy Rojas, and Armando Aranjuez until he appeared from the gumamela plants abruptly only to assault Godofredo Ferrer. The wife and the son Rex Ferrer were practically

helpless to prevent the assault because they were stunned and petrified by the suddenness of the attack.

Since it appears clearly that the attack was so sudden and unexpected and that it was executed, when the victim was not aware of the presence of the assailant and who appears not to be in a position to defend himself x x x because the accused evidently concealed himself among the abundant gumamela plants in the yard of the Ferrers, it becomes easy for this Court to believe that he adopted it as a strategy before the attack was executed, to insure the accomplishment of his criminal objective without risk to his own life. It does not even matter whether the attack was frontal or not since it is obvious from the evidence established that the assault was so sudden and unexpected and that, the victim was not in a position to offer an effective defense x x x.”[14]

Moreover, there were several indicia bolstering the finding of guilt on the part of accused-appellant. Immediately after the stabbing incident accused-appellant left his workplace in Bacolod City and boarded a boat bound for Iloilo City. When asked to explain his sudden flight, accused-appellant stated that he left Bacolod City because of fear of retaliation the Ferrer family might undertake.[15] If it were true that accused-appellant is innocent, then there would have been no reason for him to fear for his life and leave for Iloilo City. While in Iloilo City, accused-appellant did not come out in the open. Instead, he went into hiding for several months until his arrest. When this case was being heard by the lower court, accused-appellant attempted to escape from the custody of police officers. All these simply reinforce and strengthen this Court’s conviction that indeed, accused-appellant is guilty of killing Godofredo Ferrer y Guardianio. As the biblical saying goes, “The wicked flee when no man pursueth: but the righteous are as bold as a lion.”

WHEREFORE, the decision of the Regional Trial Court-Br. 42 of Bacolod City dated March 29, 1995 finding accused-appellant Rene Aranjuez GUILTY of murder and sentencing him to suffer the penalty of reclusion perpetua and to pay the heirs of Godofredo Ferrer y Guardianio P50,000.00 is AFFIRMED. Costs against accused-appellant.

SO ORDERED.

Narvasa C.J. (Chairman), Melo, Francisco, and Panganiban, JJ., concur.

[1] Rollo, pp. 8-9.

[2] Sometimes spelled as Rojas.

[3] Penned by Judge Bernardo T. Ponferrada.

[4] Brief, pp. 1-2; Rollo, pp. 55-56.

[5] Decision, pp. 7-8; Rollo, pp. 21-22.

[6] *People v. Castillo*, G.R. No. 116748, June 2, 1997.

[7] *People v. Apongan*, G.R. No. 112369, April 4, 1997.

[8] *People v. Cordero*, 263 SCRA 122 (1996).

[9] Decision, pp. 12-13; Rollo, pp. 26-27.

[10] *People v. Aliposa*, 263 SCRA 472 (1996).

[11] *Supra*.

[12] *People v. Zamora*, G.R. No. 101829, August 21, 1997.

[13] People v. Apongan, supra.

[14] Decision, pp. 10-11; Rollo, pp. 24-25.

[15] TSN, February 6, 1995, p. 11.

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