

PEOPLE OF THE PHILIPPINES, PLAINTIFF-APPELLEE, VS. RENANTE GONZALES @ “OYONG” AND BLAS ROSARIO, ACCUSED. BLAS ROSARIO, ACCUSED-APPELLANT.

G.R. No. 122769. August 03, 2000

Ponente: YNARES-SANTIAGO, J.

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YNARES-SANTIAGO, J.:

Renante Gonzales and Blas Rosario were charged with murder in an Information[1] that reads:

"That on or about the 10th day of March, 1990, in the City of Dagupan, Philippines, and within the jurisdiction of this Honorable Court, the above-named accused, RENANTE GONZALES @ Oyong and BLAS ROSARIO, being then armed with a handgun, with intent to kill one ANGELO DE GUZMAN, with treachery and evident premeditation, confederating together, acting jointly and helping each other, did then and there, wilfully, unlawfully and criminally, attack, assault and use personal violence upon the latter by shooting and hitting him below his nose with the said handgun, thereby causing his death shortly thereafter due to Cardio Respiratory Arrest, Intracranial hemorrhage, Traumatic? Gunshot wound?" (sic) as per Autopsy Report issued by Dr. Tomas G. Cornel, Asst. City Health Officer, this City, to the damage and prejudice of the legal heirs of said deceased, ANGELO DE GUZMAN, in the amount of not less than THIRTY THOUSAND PESOS (P30,000.00) Philippine Currency, and other consequential damages.

"Contrary to Art. 248 of the Revised Penal Code."

On arraignment, both accused pleaded "not guilty" to the charge. Trial on the merits thereafter ensued.

The prosecution established that in the evening of March 10, 1990, the victim Angelo de Guzman and his wife Violeta were inside their house in Bayanihan Village, Caranglaan, Dagupan City. At around 7:00 o'clock that evening, Angelo de Guzman was seated near the window of their sala when all of a sudden accused-appellant Blas Rosario, from outside the window, shot de Guzman at close range with a shotgun. The other accused, Renante Gonzales, supported the arm of Rosario that was holding the shotgun. De Guzman was hit on the neck causing him to fall to the ground. After shooting the victim, Rosario and Gonzales fled.

Violeta, wife of the victim, witnessed everything that transpired inside their sala. She positively identified the two accused as she was only a meter away from the window through which they shot her husband. At the time of the shooting incident, their sala was illuminated by a 50-watt bulb. Even before the shooting incident, she was already personally acquainted with the two accused.

Gonzales denied the accusation against him. He alleged that at the time of the incident, he was with his mother at the house of a certain Nana Mely in Malued, Dagupan City. They left Nana Mely's house at around 10:00 o'clock in the evening but only his mother proceeded to their house as he alighted in front of the Central Bank and walked towards Lyguana Bazar. While on his way to Lyguana Bazar, he allegedly met his co-accused Blas Rosario who invited him to attend a wedding party being held that night in Malued. They arrived at Malued at around 12:00 midnight and proceeded to the house of a certain Mama Juanito. An hour later, policemen came and

invited him and Blas Rosario to the police station for investigation.

Aurora Gonzales, mother of accused Renante Gonzales, corroborated the testimony of her son. She narrated that from 5:30 in the afternoon of March 10, 1990, she and her son were at the house of Nana Mely in Malued, Dagupan City and left only at around 10:00 o'clock in the evening; that her son did not proceed home but alighted in front of the Central Bank.

Juanito Rosario testified for accused Blas Rosario. He narrated that on March 10, 1990 at around 4:00 o'clock in the afternoon, he and Blas Rosario were spraying mangoes with chemicals in Urbiztondo, Pangasinan. They ran out of chemicals, so he sent Blas Rosario to Dagupan City at around 6:30 in the evening for more supplies. But it was only at around 8:30 in the evening that Blas Rosario was able to get a ride to Dagupan City.

The trial court set aside the version of both accused and held that Gonzales failed to establish that it was impossible for him to be at the crime scene at the time it was committed. As regards Rosario, the trial court held that Urbiztondo, Pangasinan, is only 29.9 kilometers away from Dagupan City and could be traversed in 1 1/2 hours by motorized tricycle or 30 minutes by car. Hence, it was likewise not impossible for him to be at the crime scene at the time of its commission. The trial court further ruled that the alibis of the accused were rendered more incredible because they were positively identified by the wife of the victim.

In sum, the trial court found the accused guilty of murder and correspondingly sentenced them to suffer the penalty of reclusion perpetua and to indemnify the heirs of Angelo de Guzman P50,000.00 as civil indemnity, P2,500.00 as actual damages and to pay the costs of the suit.[2]

Accused Renante Gonzales withdrew his appeal. Hence, the following discourse would only pertain to the appeal of Blas Rosario.

Accused-appellant Rosario claims that "the trial court gravely erred in finding accused-appellant Blas Rosario guilty beyond reasonable doubt of the crime of murder when the testimony of prosecution eyewitness Violeta de Guzman (victim's wife) is contradictory and highly improbable."

The appeal is without merit.

Accused-appellant basically attacks the credibility of Violeta de Guzman, the prosecution's lone eyewitness. He insists that Violeta's testimony is contradictory and highly improbable.

We do not agree. Well-entrenched in our jurisprudence is the doctrine that the assessment of the credibility of witnesses lies within the province and competence of trial courts. Said doctrine is based on the time-honored rule that the matter of assigning values to declarations on the witness stand is best and most competently performed by the trial judge who, unlike appellate magistrates, can weigh such testimony in light of the declarant's demeanor, conduct and attitude at the trial and is thereby placed in a more competent position to discriminate between truth and falsehood. Thus, appellate courts will not disturb the credence, or lack of it, accorded by the trial court to the testimonies of witnesses, unless it be clearly shown that the latter court had overlooked or disregarded arbitrarily the facts and circumstances of significance in the case.[3] In the case at bar, the findings of the trial court are supported by substantial evidence.

First, accused-appellant argues that if, indeed, Violeta saw the two accused moving suspiciously at the back of their house moments before the attack, she should have warned her husband about it.

This Court finds nothing wrong or unusual with the demeanor of Violeta before the attack or with her reaction thereto. 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.[4]

Besides, there is nothing unusual in the way Violeta reacted to what she saw. She did not warn her husband of the impending attack because she was afraid that the assailants would also harm her. This is apparent in the following testimony:

"Fiscal Resultan:

Q. How many minutes or how long before the gun was fired, according to you, when you saw both accused holding the gun at the neck of your husband?

Violeta de Guzman:

A. Before they actually killed my husband, I already saw them but I cannot (make any) shout or move because they might turn on me, so I was afraid, then the gun went off. I was about to shout but no voice came out from me."[5]

Second, accused-appellant claims that if Violeta was shocked with what she had witnessed, it follows that her perception or identification of the accused is blurred or vague.

This argument is a non sequitur and has no basis at all. Violeta categorically testified that she clearly saw the accused moments before the attack. That the accused were outside their house was undisputable. The windows were open at the time of the incident and with a 4-5 inches distance between the window grills, Violeta could clearly see the persons outside their house. Also, the place where her husband was seated was illuminated by a 50-watt bulb.

Third, accused-appellant insists that while Violeta testified during her direct examination that both the accused were holding only one gun when they shot their victim, nevertheless, in her sworn statement executed before the police officers, she testified that only Blas Rosario fired the gun at the victim.

This Court finds no contradiction in the aforesaid testimony. As already explained above, only Blas Rosario was actually holding the gun while his co-accused Gonzales simply placed his hand over that of Rosario as if to support and steady it. Assuming without admitting that the two testimonies contradict each other, the contradiction is more apparent than real. The fact remains that the two accused were positively identified as the assailants of Angelo de Guzman and that they acted in concert in committing the crime.

Finally, accused-appellant points out that it was highly improbable that the two accused were only one foot away from their victim contending that since the gun allegedly used by the accused in killing the victim was already one foot in length or more, then the distance of the accused from their victim could not be only one foot especially if the accused extended their arms.

This argument deserves scant consideration. That the accused were farther than the one-foot distance mentioned by Violeta when they shot their victim is immaterial. This does not detract from the finding that both accused were positively identified as the assailants of Angelo de Guzman.

Corollarily, this Court agrees with the trial court that treachery qualified the killing to murder. There is treachery when the offender commits any of the crimes against person, employing means, methods, or forms in the execution thereof which tend directly and specially to insure its execution, without risk to himself arising from the defense which the offended party might make.[6] Angelo de Guzman was totally unaware of the impending attack on his life. In fact, at the time he was shot, he was merely seated on a chair inside their sala while watching television. Both accused surreptitiously positioned themselves outside the window and directly behind the back of their victim. The victim was unarmed and they made sure that he could not make any sort of defense or retaliation. Without doubt, the attack was treacherous.

At the time of the commission of the offense, the penalty for murder under Article 248 of the Revised Penal Code is reclusion temporal in its maximum period to death. There being no aggravating or mitigating circumstance which attended the killing, the proper imposable penalty is reclusion perpetua.

WHEREFORE, in view of the foregoing, the decision of the Regional Trial Court, Branch 44, of Dagupan City finding accused-appellant Blas Rosario guilty of murder and sentencing him to suffer the penalty of reclusion perpetua and to indemnify the heirs of Angelo de Guzman P50,000.00 as civil indemnity, P2,500.00 as actual damages and to pay the cost, is AFFIRMED.

SO ORDERED.

Davide, Jr., C.J., (Chairman), Puno, Kapunan, and Pardo, JJ., concur.

[1] Rollo, p. 5.

[2] Decision penned by Judge Crispin C. Laron of the Regional Trial Court, Branch 44 of Dagupan City.

[3] *People v. Domingo, et al.*, G.R. No. 104955, August 17, 1999.

[4] *People v. Aranjuez*, 285 SCRA 466 (1998)

[5] TSN, April 20, 1990, pp. 21-22.

[6] Art. 14, Revised Penal Code.

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