

PEOPLE OF THE PHILIPPINES, PLAINTIFF-APPELLEE, VS. ROMEO ENRIQUEZ Y NICDAO, ACCUSED-APPELLANT.*G.R. No. 124833. July 20, 1998*

Ponente: ROMERO, J.

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Even as a man's eyes have been said to be the windows of his soul, his conscience serves as his moral compass. Every man has an innate sense of morality but only a few actually follow the strait and narrow. A terrified teenager listened to this still small voice deep within him and, with utter disregard for his personal safety, opted to break his silence so that the truth may be unveiled. In doing so, he chose the right path.

At around 4:30 in the vanishing daylight of June 17, 1991, after a hard day's work at the construction site of Centerville at Tandang Sora, Quezon City, laborers Romeo Enriquez, Manuel Biasa, and Ariel Donato, Jr., began a drinking spree which would have a tragic ending. On their third round, after finishing five bottles of gin, they asked security guard Eduardo Tupig to join them, and the latter acquiesced. Having consumed the last two bottles of gin, they proceeded to take their supper. Enriquez, apparently not having had his fill of alcohol, borrowed P500.00 from Biasa's mother and decided to continue their carousal by going to D'Margs Beerhouse where they danced and had several more rounds of beer. After leaving the beerhouse, around thirty meters away, at the parking lot of a 7-Eleven store at the corner of Tandang Sora and Visayas Avenues, somebody suddenly stabbed Tupig from behind. His three companions rushed him to the East Avenue Medical Center, but Tupig succumbed to the single stab wound at around 11:00 o'clock p.m.

On June 18, 1991, Enriquez, Donato, and Biasa gave their respective statements to the police, and they all blamed a group of ten unidentified men for the death of Tupig.[1] Four months later, however, Biasa, a protégé of Enriquez, executed two sworn statements dated October 31 and November 22, 1991, pointing to his patron as the one who stabbed Tupig and to Donato as the accomplice.[2] On the basis of this development, an information for murder dated November 27, 1991, was filed against Enriquez and the then still unknown Donato who remains at large.

At the hearings on March 11[3] and April 14,[4] 1992, the 19-year old Biasa affirmed his two later sworn statements and testified that he was allegedly threatened with death by Enriquez and Donato unless he supported their narrative. He stated that on the night in question, as they were about to leave for the beerhouse, he brought along his double-bladed knife upon Enriquez' behest, apparently for protection.[5] During their beer-drinking session, and while Tupig was relieving himself, Enriquez asked for the knife which Biasa passed under the table. On their way home, Enriquez drew this same knife from the waist of his pants and stabbed Tupig's left side from behind.[6] With Tupig prostrate on the ground, Enriquez hailed his two companions, then returned the knife to Biasa who gingerly accepted it. On their way to the hospital, Enriquez retrieved the knife and threw it into a creek.[7] At the emergency room of the East Avenue Medical Center, while the doctors were trying in vain to save Tupig's life, Donato grabbed Biasa by the collar, hauled him to a dark spot in the hallway, hit him at the back of the head, and warned him under pain of death not to tell a story to the police different from the version

agreed upon by the other two.[8]

Upon examination by Medico-Legal Officer Bienvenido O. Muñoz of the National Bureau of Investigation, it was concluded that Tupig died of “hemorrhage secondary to stab wound.”[9]

Enriquez stuck to his earlier statement and maintained that after spending time at the D’Margs Beerhouse with his friends, he was trying to get a taxicab outside a 7-Eleven convenience store when a group of ten unidentified men suddenly attacked his companions, resulting in the unfortunate demise of Tupig.[10]

The other defense witness, SPO1 Armando Cruz, testified that he failed to find any witness to the alleged “rumble” when he investigated the crime scene.[11]

After trial on the merits, Judge Felix M. de Guzman of the Regional Trial Court of Quezon City, Branch 99, rendered judgment, the decretal portion of which reads thus:

“WHEREFORE, premises considered, this Court finds accused ROMEO ENRIQUEZ Y NICDAO GUILTY beyond reasonable doubt of the crime of MURDER penalized under Article 248 of the Revised Penal Code, without any mitigating or aggravating circumstances, and hereby sentences said accused to suffer the penalty of imprisonment of reclusion perpetua and to pay the heirs of the deceased victim damages in the amount of FIFTY THOUSAND PESOS (PH50,000.00) pursuant to the decision of the Supreme Court in *People vs. Jose Adriano y Vargas* (G.R. No. 104578, September 6, 1993).

It is understood that accused shall be credited in full of his preventive imprisonment.

SO ORDERED.”

Enriquez is now before this Court still asserting his innocence and insisting that the trial court’s factual findings are erroneous. He also claims that the initial, not the later, sworn statement of Biasa should have been considered by the court.

Accused-appellant’s conviction must stand.

Before proceeding, this Court reiterates its policy of paying fidelity to the factual findings of the trial court, especially when, as in the case at bar, there seems no plausible reason to abandon its conclusions.

Enriquez contends that a group of ten unidentified men was responsible for Tupig’s death. In the investigation of the stabbing, Enriquez’ version was supported by Donato, but during the trial, he made no mention at all of his co-accused who could have at least corroborated his testimony. Oddly, he also failed to identify and could not describe even one of the supposed aggressors.[12] It is even more bizarre that while he depicted the attack on his companions as a “rumble,” only one was injured, and fatally at that. The weakness of the defense is further compounded by the manifest dearth of any corroborative evidence. But as in all other criminal accusations, this one must bank on the strength of the State’s evidence, not on the infirmity of the defense. We believe the prosecution was equal to this task and sufficiently established the guilt of accused-appellant.

Enriquez was positively tagged by Biasa as the man who stabbed Tupig from behind. He could not explain why Biasa made a turnabout and explicitly fingered him as the culprit.[13] That the young laborer vacillated four months after his initial statement does not, however, detract from the fact that on the witness stand, he did not hesitate to identify Enriquez, the man who recommended him for employment in the construction site, as Tupig’s assailant. “Positive identification, where categorical and consistent and without any showing of ill motive on the part of the eyewitness testifying on the matter, prevails over alibi and denial which if not substantiated by clear and convincing evidence are negative and self-serving evidence undeserving of weight in law.”[14]

In the assaying of a man’s conflicting deeds, as in the two sworn statements of Biasa, the later, more recent act is

presumed to be his true will and intent. This presumption gains more credibility when the declarant affirms his assertions while testifying under oath on the witness stand.

Neither could the prosecution be faulted for presenting a single witness to prove that Enriquez stabbed Tupig. Biasa's testimony, substantiated as it was on its material points by the postmortem findings of Dr. Muñoz, adequately enlightened the court on the environmental setting of the victim's death. Further proof would, therefore, be redundant and would have been unnecessary in persuading the court of accused-appellant's culpability. As the Court declared in *Bautista v. Court of Appeals*,^[15] "criminals are convicted, not on the number of witnesses against them, but on the credibility of the testimony of even one witness who is able to convince the court of the guilt of the accused beyond a shadow of a doubt."

The Court agrees with the trial court's disposition of this case and the conclusions reached. Tupig was literally "stabbed in the back" by Enriquez moments after they engaged in a drinking spree. The attack was so sudden, so unexpected, that Tupig never really knew what hit him. He was completely defenseless against that treachery, which the postmortem report readily established. As the trial court correctly observed: "Finally, the prosecution has sufficiently proven that the killing of the deceased was qualified by treachery in that the victim was stabbed from behind and that while accused Enriquez was stabbing the victim, other accused Donato was nearby to ensure or afford impunity. . . ." Accused-appellant's life was never in jeopardy and, in a show of feigned concern, he even had the temerity to bring his victim to the hospital. In *Bautista*,^[16] this Court had occasion to state that "(a)n unexpected and sudden attack under circumstances which render the victim unable and unprepared to defend himself by reason of the suddenness and severity of the attack constitutes *alevosia*."^[17] Enriquez was, therefore, correctly convicted of the crime of murder qualified by treachery.

At a period when most boys his age are still reveling in juvenile pursuits, Manuel Biasa was already toiling in a man's world. He saw a co-worker, a drinking partner, die before his very eyes at the hands of his patron. The murder weapon was his own knife. Fealty, gratitude and fear drove him to initially prevaricate, which would have spared the treacherous assailant; his conscience, however, prodded him to later reveal the truth. Eduardo Tupig's death was vindicated only because of the lad who proved in the end to be more of a man than the older, wily Romeo Enriquez.

WHEREFORE, the assailed decision dated September 18, 1995, is **AFFIRMED** in toto. Costs against accused-appellant.

SO ORDERED.

Narvasa, C.J., (Chairman), Kapunan, and Purisima, JJ., concur.

[1] Records, pp. 9-11.

[2] Exhibit "F" to "F-5," Records, pp. 173-178.

[3] TSN, March 11, 1992, pp. 11-23.

[4] TSN, April 14, 1992, pp. 3-10.

[5] TSN, March 11, 1992, pp. 21-22; April 14, 1992, pp. 3-4.

[6] TSN, April 14, 1992, pp. 4-6.

[7] *Ibid.*, p. 10.

[8] *Id.*, pp. 7-8.

[9] Autopsy Report No. N-91-1570, Exhibit “C,” Records, p. 170.

[10] TSN, March 9, 1994, pp. 17-25.

[11] TSN, November 29, 1993, p. 18.

[12] TSN, April 4, 1994, pp. 6-21.

[13] Id., p. 4.

[14] *People v. Dinglasan*, 267 SCRA 26 (1997), citing *People v. Amania*, 248 SCRA 286 (1995), reiterated in *Bautista v. Court of Appeals*, G.R. No. 121683, March 26, 1998.

[15] *Supra*.

[16] *Ibid.*, citing *Dinglasan*, *supra*.

[17] *Supra*.

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